

**COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

ZONING MAP AMENDMENT

ZMA-2024-003

DECISION

Application:	Request to Rezone from the NAC Zone to the NAC-PD Zone
Applicant:	RST Development, LLC/ RST New Carrollton (Project Name)
Opposition:	Amanda Karam
Hearing Date:	July 23, 2025
Decision Date:	October 15, 2025
Hearing Examiner:	Maurene Epps McNeil
Recommendation:	Approval with Conditions

NATURE OF REQUEST

- (1) ZMA-2024-003 is a request to rezone approximately 4.29 acres in the NAC (Neighborhood Activity Center) Zone to the NAC-PD (Neighborhood Activity Center Planned Development) Zone for the development of up to 300 multifamily dwelling units. The subject property is located on the south side of MD 450 (Annapolis Road), at 7591 Annapolis Road, Lanham, Maryland.
- (2) The Technical Staff and the Prince George's County Planning Board ("Planning Board") recommended approval of the request. (Exhibits 25 and 27)
- (3) Ms. Amanda Karam appeared in opposition to the request.
- (4) At the close of the hearing, the record was left open to for the submittal of three additional documents. All three were submitted on July 25, 2025. The record¹ was closed at that time.

FINDINGS OF FACT

Subject Property/Neighborhood/ Surrounding Uses

¹ The record consists of 48 Exhibits (some in subparts) and the Transcript from the hearing. The Exhibit numbers may have been revised herein, but all except the final three were available to the public prior to and during the hearing.

(1) The subject property is approximately 4.29 acres and consists of Parcel C, recorded in Plat Book NLP 99 Plat No.94 in the Prince George's County Land Records. (Exhibit 27, Backup p. 96) The Countywide Map Amendment changed the zoning from the C-2 () to the NAC (Neighborhood Activity Center) Zone. It is located on the south side of Annapolis Road (MD 450), approximately 400 feet east of its intersection with Veterans Parkway (MD. 410). It is further identified as 7591 Annapolis Road in Lanham, Maryland.

(2) The site was the former home of a Vehicle Sales Lot and is presently operating as a Vehicle Rental and Auto Repair facility. It is improved with a 28,379-square-foot building, constructed circa 1977. The site is subject to Preliminary Plan of Subdivision ("PPS") 4-77292.

Surrounding Property/Neighborhood

(3) The Technical Staff Report, Statement of Justification, and Land Planning Analysis provided by Mark Ferguson, the Applicant's land planner, provide thorough recitations of the zoning history of the subject property. (Exhibits 27, 5, and 40) Mr. Ferguson, accepted as an expert in Land Use Planning, correctly noted that the instant request does not require the identification of a "neighborhood," but rather requires an applicant to assess whether there is an adverse impact on surrounding properties which Mr. Ferguson described as properties fronting on the north side of Annapolis Road (Md 450) to the north; Finns Lane/ West Lanham Drive to the east; Ellin Road to the south; and Gallatin Street/ Chesapeake Road to the west. (Exhibit 43 p.4) This area is depicted below (outlined in red):



- (4) The subject property abuts the following uses:
- To the northwest, a Jiffy Lube vehicle repair and maintenance business, and the Brite N Clean laundromat, both in the NAC Zone.
 - To the west, several wooded parcels owned by the Washington Suburban Sanitary Commission (“WSSC”) in the NAC and RSF-65 Zone.
 - To the south, an undeveloped, steeply sloping wooded parcel owned by the Maryland-National Capital Park and Planning Commission (“MNCPPC”) in the RSF-65 Zone.
 - To the east, the West Lanham Hills Volunteer Fire Station 828, and a Domino's Pizza quick service eating and drinking establishment in RTO-H (Edge) Zone.

(Exhibit 40, p.5)

Master Plan/Sectional Map Amendment (“SMA”)/General Plan

(5) The property lies within an area governed by the 1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69) (the “Master Plan”) and the 2014 General Plan, also referred to as Plan 2035 (the “General Plan”). The General Plan’s Growth Policy Map (Map 11) places the subject property within the Annapolis Road/Glenridge Local Neighborhood Center, set forth in the Growth Policy Map. (General Plan, p.78-81) This makes it eligible for the rezoning to the NAC-PD Zone. (Prince George’s County Zoning Ordinance (“ Zoning Ordinance”), Section 27-4303(a)(4)) The General Plan also urges that the majority of the County’s future employment and residential growth be directed to Regional Transit Districts, and that Local Centers be focal points of concentrated residential development and limited commercial activity. (General Plan, p. 106)

(6) The Master Plan does not provide any specific recommendation for the subject property but does include goals/objectives that are germane to the instant request, such as: the enhancement of the environmental envelope and the need to enhance and restore degraded environmental features; prioritizing the preservation of woodlands associated with steep slopes; continuing availability of housing for families of all sizes, age groups, and various income levels; the establishment of compatible residential densities with higher densities adjacent to commercial areas, design of residential structures in a manner to preserve natural amenities, such as wooded areas, and to use these areas as open space, using urban design to encourage the use of alternative modes of transportation; use of gradual transitions in building width and height to avoid abrupt and excessive differences in scale; siting of multifamily housing in a manner to obtain adequate light, air, privacy and usable open space for passive recreation and landscape amenities; enabling residents and employees to minimize vehicular miles traveled; the setback of housing from highways to minimize the impact of noise and visual problems. (Master Plan, pp. 13-14,23, 37-38, 56, 91, 107, 109, 125, and 142)

Applicant's Request

(7) Applicant is the contract purchaser of the subject property, and Carmela Properties, LLLP, the current owner. (Exhibit 39; T.10 and 41) Applicant filed the instant request due to its concern that it could not develop the property in conformance with the requirements of the existing zoning, since the legislation that would allow the density sought (CB-15-2024) had been appealed to court. (T. 19-20) Applicant wishes to raze an existing automobile use and construct a mixed-use building with up to 300 multi-family dwelling units and up to 3,000 square feet of space that will be available for nonprofit or community use.² The NAC-PD Zone is requested because it allows more design flexibility, allowing the requested density of 90 dwelling units per acre, the construction of balconies facing the rear of the building and the homes across 77th Avenue, the creation of a courtyard along Annapolis Road, and a higher height for sections of the building affected by the grade of the property to its rear. (T. 19-21)

(8) Mr. Michael Scott Copeland, the principal managing partner of RST Development, LLC, testified that Applicant is in good standing to conduct business within the State of Maryland, and presented the certification thereof from the State Department of Assessments and Taxation. (Exhibit 32) RST Development, LLC, has been in business for 28 years and has built over 10,000 multifamily units during that time on the East Coast and, most recently, in Maryland. (T. 12-13) Applicant recently completed a 317-unit affordable housing project in College Park (the Flats at College Park) and has another in Rockville Town Square. The latter was done in partnership with a nonprofit to market to people with developmental disabilities and the project includes approximately 10,000-square-feet for community space. (T. 15-17) Main Street Connect is a nonprofit arm that has partnered with the above referenced developments to provide needed services in the community space and may be able to do something similar at the subject property if the Application is approved. Applicant must satisfy certain requirements of the Department of Housing and Urban ("HUD") and its Maryland partner, the Community Development Administration, before it can construct the affordable housing development, including recordation of all land use restrictions. Basically, the units will be available to persons who earn 60% of the Average Median Income ("AMI") earned in the greater Washington, D.C. statistical metro area. (T. 22-24) Applicant submitted information as to how the AMI is currently calculated and testimony as to how this restriction is guaranteed by the issuance of low-income housing tax credits in exchange for the recordation of land use restrictions. (Exhibit 48; T. 25-27) It also submitted a copy of the agreements and restrictive covenants prepared /recorded for The Flats at College Park. (Exhibit 27, Backup pp. 117-142)

(9) Mr. Copeland discussed Condition 1 of the PD Conditions of Approval (set forth in Exhibit 35) proffered by Applicant, which relates to public benefit features:

² Applicant's initial request made this space available for commercial use as well. (Exhibit 23, Backup pp.5-6)

[Condition 1 notes that] these units will be reserved for [98 % of the]3 households that earn ... sixty percent of the average median income of the greater area or less.... [T]he designation is determined by HUD.... So those ... households would earn sixty percent or less of that amount of money.... So it's statutory ... what that level of income is that would qualify those residents to live there.... The incomes get adjusted on an annual basis [not within] our control.

Applicant's Counsel explained that Conditions 1 and 2 were sanctioned by the Planning Board, but it did not adopt Condition 3, concerning the installation of electric vehicle charging stations. Condition 1 does not require any covenants at the time of the instant review, unlike Staff's Condition 1 that required recordation prior to the issuance of a use and occupancy permit. Applicant's Counsel summarized the need for the revised language proposed in the revised Condition 1 :

I would have no objection to a condition that requires covenants be recorded. The only concern is... that the provision of the code states that any deed restrictions or other restrictive covenants required by the District Council, in its approval of the PD, must be recorded prior to the submission of any subsequent development application.... I believe that the proposed legislation says that any restrictions shall be recorded as directed in the Council's order. So if the counsel says, 'we want to put a condition on the property that a covenant be recorded and recorded at a certain time' – like, for example, if somebody came in and wanted to do an age-restricted project. They're going to provide a covenant to limit the [ages of the residents] – that would be recorded typically ... prior to final plat.... But you couldn't even submit – under the way the code was written, originally, you wouldn't even be able to submit your preliminary plan until the covenant was recorded, which is premature....

(T. 36)

(10) Mr. Copeland testified that the following items found in the revised PD Condition 3, will be offered as "public benefits" required by Section 27-4301 (d)(3)(C) of the Zoning Ordinance: the allocation of 3,000-square-feet of building space for use by a nonprofit or local community group; 20 EV charging stations, located in the interior parking lot, as a sustainable environmental benefit that exceeds those required in the Zoning Ordinance, and 50 "EV ready" parking spaces for future growth. Applicant also proposes to provide additional green building standards that exceed those required in Part 6 of the Zoning Ordinance and a forecourt/plaza to the north of the site adjacent to MD 450. However, the Planning Board did not believe them to be enough to qualify as public benefits, and Applicant withdrew these items for consideration as public benefits at this time, but promises to keep both in the design of the building. (T. 29-40)

(11) In its Statement of Justification ("SOJ")⁴, adopted by Applicant's expert, the Applicant provided over eighty pages of support for its position that all of the general provisions for Planned Development Zones found in Section 27-4303(a) and standards

³ Applicant requests to reserve two percent of the units for management members that may not otherwise qualify to live on site. These are generally the security officers for the development. (T. 25)

⁴ Applicant's original SOJ was dated November 22, 2024 and revised three times. This decision references the final revised SOJ dated March 27, 2025 (Exhibit 27, Backup pp. 2-81) unless stated otherwise.

for the NAC-PD Zone found in Section 27-3602(c) have been satisfied. (Exhibits 5(b) and 27, Backup pp. 3-81) I find that the in depth provisions of the SOJ sufficiently address all of the requirements of Section 27-4300 and the PD Decision Standards for the District Council to address found in Section 27-3602(c). The Applicant suggests that the SOJ be accepted as the proposed PD Conditions of Approval. For reasons noted below, I believe this may be allowed provided it is somehow attached to the Basic Plan since development sometimes takes many years to come to fruition and it would be far easier for the reviewer if both are together at the time of review. I also have a concern about the accessory and temporary uses requested for the site, and I address that below.

(12) Ms. Chanda Beaufort, accepted as an expert in landscape architecture, prepared/ supervised the preparation of the Basic Plan. (Exhibits 14 and 46). The Basic Plan depicts the area where the proposed building and parking will be located, and the area proposed as open space. It also includes General Notes and Development Standards, which state that existing block length is 1,043 feet; the lot area is 5,000 square feet; lot width is 50 feet; density is a minimum and maximum of 10 and 90 dwelling units per acre, respectively; the minimum and maximum lot coverage will be 40% and 100%, respectively; the minimum and maximum build-to line will be 10 feet and 25 feet, respectively; the building width in the build-to zone will be a minimum of 50% of lot width; the minimum front and rear yard depths are 10 feet; the minimum side yard depth is 0 feet; the building façade transparency of the street-level façade abutting or facing a street frontage, pedestrian way, or public gathering space is 35%; the maximum height of the principal structure is 65 feet; and the open space set aside is 7.5% of net lot area. (Exhibit 14) The PD Conditions of Approval are not a part of the Basic Plan. The Basic Plan does not address whether any accessory structures will be allowed, although Applicant did note in its Statement of Justification that it would like to include ALL of the accessory and temporary uses found in Part 5 of the Zoning Ordinance as uses if the request is approved.

(13) The intensity/dimensional standards required in Section 27-4301(d)(1)(D) of the Zoning Ordinance are found in the NAC base zone (as set forth in CB-15-2024), or Part 6 (Development Standards). Applicant requested modifications to three of the intensity/dimensional standards (concerning block length, the build-to-line, and maximum building height) for the following reasons:

- The design of the building envisioned by Applicant and its architect cannot comply with the definition of a block found in Section 27-2500 of the Zoning Ordinance because the subject property is located in the middle of a block that is fully developed and, therefore, not bound on all sides by a street. It only has 1.58 feet of frontage on 77th Avenue, and the grades at that point are approximately 190-105 feet above mean sea level ("MSL"), so a connection along 77th Avenue would be difficult at best. Applicant, therefore, asks that the existing block lengths/ dimensions of 1,042 feet from MD 210 to 77th Avenue become the proposed block for the instant request. (T. 68-70)
- Similarly, the build-to-lines are requested to be 30' and 55' because they would like to provide a forecourt/plaza at the front of the site and are unsure as to what

the State Highway Administration improvements (for sidewalk/side paths, etc.) will be require; and because there are varied setbacks for the abutting buildings, and the 15-foot requirement is not consistent with the existing built environment. (T. 70-73)

- The building height will be a maximum of 66 feet⁵, above the 60 feet noted in the NAC Zone standards, for reasons noted by Nicholas Hill, below. (T. 73-74)

(14) Ms. Beaufort prepared the open space set aside plan. (Exhibit 21) There are two areas of open space that total 12.76 % of the net lot area. Area 1, adjacent to MD 450, is 10,000 square feet, in the form of a square, forecourt, or plaza with a seating area for residents and pedestrians, since there are two bus stops in the vicinity. Area 2 is to the rear of the site and is 13,841 square feet, comprised of existing woodland to be set aside as a buffer from the single-family dwellings to the rear of the site.

(15) Ms. Beaufort explained that the Applicant withdrew its request for a modification from the requirement in Section 27-6206 (e)(2) concerning inter-parcel connectivity. The site is one parcel and adjacent to a fire station to the east and a laundromat to the west. The use to the west is improved with parking spaces lining the common property line, and Applicant believed there would be no interest on the County's part to connect the site to the fire station's driveway. The Planning Board noted the possibility that there could be future redevelopment of these sites, and creating future connectivity for compatible uses should be preserved. Since there is no need to revise the design concept to accommodate any future connection and there is no topographical reason to oppose it, Applicant concurs with the Planning Board's position.

(16) The Applicant still requests two modifications from the Neighborhood Compatibility requirements – one to provide balconies for the multifamily dwelling units to the rear of the site (Section 27-61203(c)(1)(E)), and the other to waive the requirement that a similar roof type to those used on the single-family homes be provided (Section 27-61203(c)(1)(A)). There is a figure used addressing the roof types that states that the requirement is inapplicable if the proposed development is more than 100 feet away from the adjacent single-family homes. While staff suggested this allows the Applicant to use a different roof type, the Planning Board found a modification still applied. Since Ms. Beaufort's written testimony stated that the building is "approximately 100 feet [away] based on our conceptual planning," this Examiner would agree that the modification must be sought. (Exhibit 46) However, if the Applicant presents measurements that definitively show the building is more than 100 feet from the dwellings, I don't believe the modification is necessary since a primary tenet of statutory construction is to interpret the language in a manner that does not render nugatory any provision.

Ms. Beaufort stated that the balconies are requested since they will be adequately screened from the adjacent homes by the existing woodland to the rear, and the architect proffered additional support for this modification.

⁵ The Basic Plan shows a height of 65 feet, but Ms. Beaufort stated 66 feet is requested. The Basic Plan will have to be revised to reflect the correct amount.

(17) Finally, Ms. Beaufort was asked to address the feasibility of providing a pedestrian connection to the West Lanham Hills Park access trail to the south of the site, as suggested by the Planning Board in its resolution. (Exhibit 25) The aerial of the site (Exhibit 43) shows “a white line, that is actually the existing asphalt path that goes from [the terminus of 77th Avenue] to the location of 77th Avenue and Emerson Road to the West Lanham Hills neighborhood park.” (T. 84) Applicant prepared two drawings that looked at the feasibility of an ADA-compliant connection from the development to the park. (Exhibits 34(a) and (b)) Option A attempts to keep the trail within the subject property, and Option B places the trail connection on property owned by MNCPPC. Either option would require a series of switchbacks and retaining walls, and “a substantial reduction in the amount of trees to the rear of this property.” (T. 88-89) Since there is an existing sidewalk from the northeastern property line and constructing either option would lose existing woodland that is needed as a buffer between the subject property and the adjacent single-family homes, Applicant asks that the consideration be removed. (T, 90-91)

(18) Nicholas Hill, a licensed architect with experience in the design of multifamily dwellings, was retained by Applicant to prepare a preliminary architectural design for the project. His assignment was to provide a feasibility analysis and a massing study that addresses whether the project could be constructed on the site in a manner that would satisfy all applicable regulations. He was accepted as an expert in the area of architecture for the limited scope of addressing the feasibility analysis/ massing study. (Exhibit 36; T.105-107) He explained why there are changes in height for the building:

[A]long Annapolis Road... [in order to] get the density needed...[,] the transparency required, and other items from the design standards, and the...[topography] at exactly sixty-five foot eight [inches] on the right side of the building, which would be the northwest corner, and then we were at sixty-three foot eight on the northeast corner because of the way the grade changes [which] slopes up from the northwest up to the northeast....

So, the right side of the building... would be experienced as the taller portion of the building along Annapolis Road....

And any lower of a building would make the public use, and the amenity spaces, and the active use a very short ceiling, and so that's why we are where we are with the height of the building, and the grade falls away as you're going from the north to the south [,]... and getting all of that to align with the floor levels.

There's a lot going on on this site from [a topographical standpoint], and this was quite challenging.... And it's a very efficient... building with a complicated geometry....

As we work our way south, we have a transitional height plane at 150 feet and at 200 feet. And so the buildings go from 35 feet, to 45 feet, to 55 feet. Those are...in general where they're up to the... final height requirement. [And the neighborhood

compatibility standards require a stepdown in height to the rear near adjacent residences.]

(T 110-114, 121)

(19) Mr. Hill also explained why the development cannot provide similar roof tops as those on the single-family dwellings to the south of the site. The Applicant has designed the front of the building roof along Annapolis Road as flat since this is a more urban design in keeping with the adjacent properties, and the building roof to the south would be even taller if it is pitched – something that the neighborhood compatibility standards seek to avoid. He also explained that balconies are requested to the south side to provide an amenity for the residents and access to fresh air. Finally, he explained that they chose the build-to-line because it allowed them the opportunity to provide the public space in the front, allowed circulation around the site and access for emergency vehicles, and changing the plane provided a better design “instead of just having a big wall along Annapolis Road.” (T. 117-118)

(20) Mr. Michael Lenhart, accepted as an expert in transportation planning, testified and provided a revised Traffic Statement that addressed whether the change in zoning would result in a detriment to the Master Plan transportation facilities or the health, safety, and welfare of the general public from a traffic standpoint. He concluded that it would not, reasoning in pertinent part as follows:

The Transportation Review Guidelines [“Guidelines”] provide it is important to assess traffic impacts in the context of the rezoning applications. The approval of a rezoning application does not approve or entitle the development, but merely sets the density and development parameters as the project moves through future entitlements that will include adequate facility tests. That is, a Preliminary Plan of Subdivision (PPS) will be required, at which time, an Adequate Public Facilities ... analysis will be undertaken.

Regarding the proposed rezoning, [the Guidelines establish] clear procedures for evaluating rezoning applications. Specifically, the [Guidelines] provide that the traffic impacts of the proposed rezoning should be evaluated in consideration of the density that would be allowed under the current zone as compared to the density allowed under the proposed zone. That is, the [Guidelines] first [require] an assessment of the Base Case Scenario. The traffic conditions for the Base Case Scenario include the existing land uses assuming the full buildout of the subject property with its current zoning. The Base Case Scenario could be established using two separate methodologies. The first methodology is using the maximum density under the existing NAC zoning which is 90 dwelling units per acre, or 383 dwelling units. The second methodology, which was requested by the People’s Zoning Counsel, is to use the C2 zoning under the old zoning ordinance. In addition to the existing automobile use, the C2 zone allows retail centers and the Transportation Review Guidelines recommends a FAR ratio of 0.25, which would yield a maximum of 46,000 square foot shopping center.

The Guidelines then recommend the establishment of the Base Case Plus Rezoning Scenario which incorporates the traffic impacts associated with the proposed rezoning. As detailed above, the proposed rezoning to the NAC-PD Zone would include approximately 300 multifamily dwelling units plus approximately 3,000 square feet of commercial retail space.

The Guidelines [next] recommend a comparison of the Base Case Scenario versus the Base Case Plus Rezoning Scenario to determine if the rezoning would have an adverse impact on the roads and/or necessitate a change to the Master Plan of Transportation. The comparison of these two scenarios is detailed on Exhibit 2 and reveals that the approval of the proposed rezoning would yield a reduction in the allowable density and traffic impacts associated with the development compared to either the NAC or the C2 zoning. More specifically, the C2 zoning would generate 162 AM and 472 PM peak hour trips, while the existing NAC zoning would generate 199 AM and 230 PM peak hour trips. The proposed rezoning to NAC-PD will generate 165 AM and 193 PM peak hour trips.

Therefore, a finding that the approval of the proposed zoning would not have an adverse impact on traffic conditions in the surrounding area is supported by this required comparative analysis. Furthermore, this rezoning would not necessitate a change to the Master Plan of Transportation because the Base Case Plus Rezoning Scenario results in less traffic than the Base Case Scenario with the existing zoning. Thus, the approval of the proposed rezoning will not result in an adverse impact, and in fact, will result in less traffic on the road network than what would otherwise be expected if the property were developed to its full potential under the existing zoning....

As is discussed above ... the area of the site is 186,987 [square feet] which is equivalent to 4.29 acres. The SDAT information for the site is provided with this report. Per Section 27-4200 of the Prince George's County Zoning Ordinance, the existing NAC density limits are as follows: minimum= 10 du/acre and maximum = 90 dwelling units/acre.

Given the above density limits, the resulting max number of dwelling units for the existing NAC zoning is 383 (90 dwelling units /acre 4.26 acres). The previous C2 density limits would be 46, 000 [square feet] of retail based on 0.25 FAR.

Exhibit 2 details this calculation and provides the resulting trip generation for the site for the Base Case and Base Case Plus Rezoning Scenarios. As shown, the proposed use will generate less trips than the maximum allowable trips per the current zoning and therefore will not result in a detriment to the health, safety, and welfare of the general public ... [and] will not have a detrimental impact on any local existing/planned roadways or the local community and therefore should be approved from a traffic standpoint....

(Exhibit 47)

(21) Mr. Mark Ferguson, accepted as an expert in land use planning, prepared a land planning analysis (Exhibit 42) and testified in support of the request. He described the proposed use and the genesis of the request:

The proposed use associated with ... application ZMA-2024-003 is the construction of up to 300 affordable dwellings (i.e., 69.89 dwelling units per acre) and up to 3,000 square feet of nonresidential space for use by either a nonprofit organization or the community. The proposed use will also include the associated required parking, open space areas and other required site improvements.

While the proposed development's density of just under 70 dwelling units per acre falls within the maximum permitted density in the base NAC Zone of 90 dwelling units per

acre, the proposed development will still benefit from the flexibility of planning that the NAC-PD Zone allows with respect to modification of the Euclidean Intensity and Dimensional Standards of the base NAC Zone and of the Development Standards in Part 27-6 of the Zoning Ordinance....

In this case, the Applicant is seeking to use the flexibility inherent in the approval of Planned Development Zones to modify: the base zone's Intensity and Dimensional Standards addressing block length, build-to line depths, and maximum building height, and the Part 27-6 Development Standards addressing cross-access between adjoining developments in the Roadway Access, Mobility and Circulation Standards, the similar-roof type requirement of the Neighborhood Compatibility Standards, and the balcony orientation requirement of the Neighborhood Compatibility Standards.

(Exhibit 42, p. 7)

(22) He defined the surrounding properties most likely to be impacted by the request, as discussed, *supra*. He then addressed the Application's compliance with the decision standards found in Section 27-3602(c) of the Zoning Ordinance. The witness found that the request is in conformance with the General Plan, and applicable Master and Functional Plans, as required in Section 27-3602(c)(1) Some of his reasoning for so finding is (in the interest of brevity) paraphrased as follows:

- The 2014 General Plan (*Plan Prince George's 2035*) Growth Policy Map placed the subject property in the "Local Center" - specifically the Annapolis Road/Glenridge Local Neighborhood Center, and the surrounding development is primarily strip retail and service commercial in nature, consisting of the Purple Line, the Glenridge Shopping Center, vehicle sales and rental facilities, a gas station, office buildings, and quick-service eating or drinking establishments.
- An applicable General Plan Land Use Element Policy and Strategy states that Local Neighborhood Centers should include a new housing mix of "mid-rise and low-rise apartments and condos, townhouses, and small-lot single-family" dwellings, with a 10-15 dwelling units per acre net housing density for new development. CB-15-2024 increased the maximum density for the NAC Zone to 90 dwelling units per acre, which is compatible with the General Plan's recommended density, since the suggested density in the General Plan is an "average" net housing density. The Annapolis/Glenridge Local Neighborhood Center's area is currently defined by a half-mile radius from the Glenridge Purple Line Station -approximately 385 acres, and only 70 acres of that are zoned NAC. When one multiplies "the General Plan's average density recommendation to the dividend of the area of the NAC-zoned portion of the Center divided by the NAC-zoned area's proportion of the entire Center's area ... [the] density value for new NAC development in the Annapolis Road/Glenridge Local Neighborhood Center [is] 82.5 dwelling units per acre."

- This density is well within the dwelling units per acre maximum in CB-15-2024 and more than requested in the instant Application. (Exhibit 43, p. 10)
- Applicable policies within the Natural Resources Element of the General Plan are met since the subject property is not in a greenfield; there will be modern stormwater management facilities to improve water quality; green building techniques will be utilized; and redevelopment of a previously developed site will allow the opportunity to implement modern regulations pertaining to tree canopy coverage. (Exhibit 43, pp. 10-11)
 - Compliance with the Housing and Neighborhoods and the Community Heritage, Culture, and Design Elements of the General Plan are met by the creation of this high-density housing development in a Local Center; the provision of affordable housing; and a redevelopment that will reduce the existing large impervious parking and encourage the use of mass transit and less reliance on auto-oriented uses. (Exhibit 43, pp. 11-12)
 - The 1994 Master Plan predates the 2014 General Plan, so the latter will have precedence if policies overlap. The Commercial Areas Element of the Master Plan had no specific recommendations for the subject property but did emphasize that there was an abundance of retail and commercial within the planning area. The instant request will remove the subject property from the commercial use inventory. The 2010 New Carrollton Transit District Development Plan designates the subject property for mixed-use development; however, the property does not lie within its boundaries. (Exhibit 43, p.12)
 - Applicable Functional Master Plan policies are also furthered by the request. Abutting property contains regulated environmental features under the County's Green Infrastructure Network, extends onto the western edge of the property, and will be preserved. Mr. Ferguson agrees with the Technical Staff's findings concerning conformity with the policies and Strategies in the Green Infrastructure Plan found in the 2017 Resource Conservation Plan, and its reasoning therefore. There are no Historic Sites or Resources immediately proximate to the site, nor any recommendations in the Water Resources Functional Master Plan directly applicable to the instant request. The 2009 Countywide Master Plan of Transportation addresses sidewalks along MD 450 with on-road bicycle facilities and these are depicted on the Basic Plan. (Exhibit 43, pp. 13-14)

(23) Mr. Ferguson noted that the Zoning Ordinance includes general purposes for the Ordinance as a whole, purposes for Planned Development Zones in general, and purposes for the NAC-PD Zone. While the language in Section 27-3602 (c)(2) only requires a review for compliance with the specific purposes of the NAC-PD Zone, the Planning Board must discuss conformance to the general purposes in Section 27-1300

and 27-4301, and compliance with all applicable purposes supports a finding in Section 27-3602 that the use will not adversely impact the surrounding properties. Mr. Ferguson thoroughly discussed the Application's compliance with each, and I concur with his assessment. (Exhibit 43, pp. 14-21)

(24) The witness next opined that the Application satisfied all applicable standards of the proposed PD Zone, as required in Sections 27-3602 (c)(3) and 27-4301(d), reasoning in part as follows:

The statement of planning and development goals is laid out by the Applicant [in] its Statement of Justification (which the Applicant has indicated is intended to serve as the PD Conditions of Approval document.) The proposed PD Conditions of Approval are now proposed in a separate document.... While perhaps not in strict conformance with the letter of this regulation, this planner believes that [this] text document ... is a more appropriate place for the discursive statement ... than as an addendum to the drawing which is the focus of the PD Basic Plan, a graphic document...

[T]he development proposal does not seek to restrict the principal uses allowable by Table 27-5101(e), the accessory uses allowable by Table 27-5201(d) and the temporary uses allowable by Table 27-5301(d). A note to this effect is provided on the PD Basic Plan....

[The general location of the development area, the acreage, number of residential units, nonresidential floor area, residential density, and nonresidential intensity,] is graphically depicted on the PD Basic Plan, and the rest is described in the Applicant's Statement of Justification/the PD Conditions of Approval....[T]he residential density is consistent with the General Plan's [discussion] of the Annapolis Road/Glenridge Local Neighborhood Center, as well as ... the maximum density allowable in the ... NAC Zone. This planner agrees with the Applicant's statement that the residential density is consistent with the NAC-PD Zone's purpose of providing high-quality, vibrant development near transit that reduces automobile dependency and supports walkable areas....

The dimensional standards ... are reproduced on the PD Basic Plan. [They] typically replicate those provided [in] the base NAC Zone, with ... minor modifications proposed to the block length, build-to line, and building height standards [needed] to address site-specific conditions....

The PD Basic Plan, which proposes a modern walkable transit-oriented, higher-density residential use which is in keeping with the General Plan's vision, policies and strategies for the County's Local Centers, is intended to be compatible with that Plan's intent rather than be compatible with the existing auto oriented strip commercial development which the General Plan (and even the 1994 Master Plan) seek to replace....

The general location of the open space is illustrated on the PD Basic Plan....

The open space proposed is consistent with the purposes of the NAC-PD Zone to include distinctive and attractive public spaces that help create an identity and sense of place for the zone and ... to respect the character of established surrounding neighborhoods and other types of land uses...

The (specific) location of the limited amount of environmentally sensitive lands is illustrated on the PD Basic Plan; the area is outside of the proposed development envelope to ensure its protection....

There are no historic sites, resources, or districts, cultural resources, nor known archeological resources on or adjacent to (i.e. within 1,000' of) the subject property....

The general on-site pedestrian circulation system and the adjacent pedestrian circulation systems are illustrated on the PD Basic Plan, as are the off-site connections. It is noted that the abutting uses are auto-oriented strip commercial (and a volunteer fire station) which do not contain pedestrian circulation systems beyond walkways surrounding the existing buildings connecting only to the few parking spaces which abut those buildings. The proposed on-site pedestrian circulation system, however, is generally oriented to the perimeter of the subject property so that when the abutting properties redevelop to the intent of the General Plan with walkable, transit-oriented development, the on-site system will be able to be interconnected with that future development....

The general on-site transportation circulation system and its interface with the proposed pedestrian circulation systems are illustrated on the PD Basic Plan....

The PD Basic Plan does note that the property is in Water and Sewer Category 3, which reflects existing public water and sewer service....

The existing storm drain facilities on and adjacent to the subject property are illustrated on the PD Basic Plan....

The identification of the various other public facilities serving the development is laid out by the Applicant on page 12 of its Statement of Justification/PD Conditions of Approval. While this standard provides for this information to be shown and otherwise identified on the PD Basic Plan, this planner believes, as with the statement of planning intent provided for the first standard of this section, that the PD Conditions of Approval, a text document, is a more appropriate place....

The portion of [the] standard addressing potable water and wastewater is redundant....

The Part 6 Development Standards which are proposed to be modified are discussed in detail on Pages 33-40 of the Applicant's Statement of Justification/PD Conditions of Approval

The Public Benefits which the Applicant proposes to provide through the proposed development are described at length on Pages 33-40 of the Applicant's Statement of Justification/PD Conditions of Approval....

(Exhibit 40, pp. 21-25)

Opposition's Comment

(25) Ms. Amanda Karam testified in opposition to the request and submitted a written statement in opposition as well. (Exhibit 29) Ms. Karam is opposed to adding another apartment building to a densely populated area and fears that approval of the request would exacerbate the existing problems in the area:

Having resided in the West Lanham Hills community for 13 years and being raised in Hanson Oaks, I can attest the communities have encountered ongoing challenges. These issues stem from persistent traffic problems, Purple Line construction, modifications at the New Carrollton Metro, and the development of new residential apartments over the past eight years.

Simultaneous construction of the Purple Line and Alta New Carrollton apartments significantly impacted both the West Lanham Hills and Hanson Oaks Community. The ongoing closure of Ellin Road for the Purple Line is a substantial barrier to both neighborhoods and adjoining communities. Ellin Road has been partially closed for four years, with only one side open.... The Purple Line's construction is expected to finish by 2027, when it will open to the public....

Consequently, both neighborhoods have been affected by damaged streets, prolonged closure of one of the two exits from the neighborhood, and structural damage to houses, including cracks, resulting from the relentless construction activities nearby. Due to the construction, when it rains Hanson Oaks's only exit is constantly flooded. It takes days for the standing water to evaporate. Both construction crews were notified of the flooding and informed the neighborhoods it would be resolved, as of the submission of this opposition statement, it has not. Additionally, we have faced disruptive construction noises and restricted access to the metro without adequate signage to inform residents....

According to the Maryland Department of Transportation State Highway Administration, 48,585 vehicles travel daily on MD 450 through the intersections on MD 410. Additionally, 110,505 vehicles travel daily from MD 410 to ... US 50 and I-95.... To enter this proposed site, you turn right to enter and turn right to exit. This means additional cars making a U-turn at the MD 410 intersection in front of the Pancake House [on Garrison Road.] This is located at the only operational entrance and exit for West Lanham Hills.

Over the past eight years, [MNCPPC's] Planning Board has sanctioned the development of five new apartment/residential buildings.... [E]ach proposal indicated they would have businesses in the 'retail' space for surrounding communities. Presently, only the Remy

[on Harkins Road in Lanham] (with two businesses) and the Stella [on Garden City Drive in New Carrollton] (with one restaurant) have retailers. Where is the accountability to ensure these retail spaces as outlined in their development plans are fulfilled? Who holds the developers accountable ...? How is this helping the surrounding communities?

[There are] ten apartment complexes ... within a four-to-five-mile radius of the proposed site.... As of the submission of this opposition statement, it has been determined the majority of these apartment complexes have vacant units....

This project is primarily focused on generating revenue and lacks significant benefits for the community.... Zoning Ordinance Section 27-4303 (a)(1)(D) states 'To include a well-integrated mix of complementary uses, including commercial, personal services, office, and recreation where appropriate to support residential uses and serve the needs of the surrounding neighborhood' and RST Development does not fit this concept.

On several occasions I asked Danny Copeland of RST Development, who attended meetings within the West Lanham Hills Community, how this proposed development would benefit the community [and] responses provided were ambiguous.... I inquired whether the communities of West Lanham Hills and nearby areas would be permitted to use a meeting space within the proposed multifamily residential structure [and the] response was negative....

The developers were unable to specify the types of businesses that would occupy the complex's retail space. Based on their responses I must reiterate that approval of this rezoning would cause additional harm to an already dense corridor. Considering the vacancies in the nearby apartments and the recent approval ... of the Flats at Glenridge, I respectfully oppose and recommend the denial of this project.... [Emphasis omitted]

Additionally, the staff recommendation report prepared by [MNCPPC] page 27 states: 'The property is adjacent to West Lanham Hills Park, to the south. Staff urge consideration of a direct pedestrian connection to this park but have noted opposition from residents abutting the park.' I would like to reiterate that I, along with other West Lanham Hills residents residing closest to the park, are strongly opposed to the creation of a connecting path. Our community has diligently worked for years to ensure that West Lanham Hills Park is safe, closes at dark, and remains free of crime....

Tree preservation is crucial.... [I]t is uncertain whether anyone from the Environmental Planning Division conducted an on-site inspection of the trees adjacent to the proposed site or West Lanham Hills Park. Such an inspection would reveal that the trees slated for removal to build a path, which residents sternly oppose, are home to a substantial number of wildlife.... The removal of those trees would adversely affect already displaced wildlife due to ongoing deforestation in surrounding wooded areas. Preserving only fifteen percent [as recommended by the Technical Staff] of the woodland area is insufficient; the entire areas should remain undisturbed.

While it is understood that times are challenging, this does not justify the ongoing neglect of residents and the excessive development of additional complexes in our community. The county asserts that development is beneficial for the community, but in this case it is inaccurate. In this instance, it is not beneficial....

I respectfully request that the zoning examiner considers the concerns raised in my testimony and rejects this rezoning project.

(Exhibit 29, pp. 1-4)

Agency Comment

(26) As noted below, the Application must address the applicable purposes of the Zoning Ordinance, PD Zones and the NAC-PD Zone; conformance with the General Plan, Master Plan, or any applicable Functional Master Plan; the standards for development within the NAC-PD Zone, which address uses allowed, intensity and dimensional provisions for uses, the location and vertical/horizontal mixing of uses, blocks and alleys, streets, parking, private sidewalks and private street trees, connectivity, building configuration, transparency, and open space design; and whether the rezoning will adversely impact the surrounding properties. (Zoning Ordinance Section 27-3602 (c)) The MNCPPC Planning Board and Technical Staff thoroughly reviewed and addressed the Application's compliance with all applicable provisions and the standards to be satisfied (or modified if applicable) before the Application can be approved. (Exhibits 25 and 27) In the interests of brevity, I provide the following synopsis of their conclusions.

- The Technical Staff's Environmental Planning Section provided an extensive review of the request's compliance with all applicable plans. The site has a previously approved Natural Resources Inventory (NRI-137-2024). The Maryland Department of Natural Resources Natural Heritage Program does not list the presence of any rare, threatened, or endangered species on the site. The Application must preserve the woodlands on the southern slope of the property and the primary management area on the northwest portion, since they are natural environmental assets that the Master Plan notes should be preserved to protect the environmental quality of the Planning Area. These assets are identified on the NRI and will be preserved to the fullest extent practicable.
- The Plan also requires the maintenance of the character and aesthetic qualities of the off-stream valley in the Lower-Beaverdam Creek Watershed; accordingly, the development will be subject to the current stormwater management requirements and will be reviewed/approved by the Department of Permitting, Inspections and Enforcement prior to the approval of future applications. There are mapped Regulated and Evaluation Areas on or abutting the site in the Countywide Green Infrastructure Plan, but no Regulated Environmental Features; the policies of the GI Plan requiring the maintenance, support, and preservation of the GI network will be addressed with future required Tree Conservation Plans and NRI-137-2024, as will the policy encouraging the preservation and restoration of forest and tree canopy coverage.
- The woodland conservation and afforestation thresholds required by the Woodland and Wildlife Habitat Conservation Ordinance are 15% and the Application meets it. There are no specimen trees on-site. A stormwater management concept plan will be reviewed by DPIE at the time of preliminary

plan of subdivision and detailed site plan review. Although Christiana clay is mapped on the site, no engineering issues have been discerned at this time.

- There is an approved Natural Resources Inventory – NRI-137-2024
- Although there is no Natural Reserve Area in the location of the subject property, the application will preserve the woodlands located on the southern slope of the property since this is a natural environmental asset, and will also preserve the primary management area located on the northwest portion of the site
- There are no regulated environmental features (“REF”), but the site does have impervious surfaces except for the woodlands along the southern property line. The site will have to satisfy current stormwater management requirements, thereby protecting the Green Infrastructure by improving stormwater runoff.
- Tree canopy coverage and other requirements of the Landscape Manual must be addressed at the time of Detailed Site Plan review.
- The site is subject to the 2024 Woodland and Wildlife Habitat Conservation Ordinance. If the rezoning is approved, the woodland conservation and afforestation thresholds will remain at 15 percent and will be met on-site.
- Per the Applicant, there are contaminated soils on site resulting from its prior automobile use. Future development applications shall include detailed information regarding the clean-up of any contaminated soils found on site.
- A Type 2 Tree Conservation Plan will be required and must reflect the ultimate limits of disturbance for the permanent site infrastructure and all temporary infrastructure, including erosion and sediment control measures. The property lies within the Annapolis Road/Glenridge Transit Oriented Neighborhood Center. Accordingly, any woodland removed shall be replaced at a ratio of 0.25 acre planted for every one acre removed.

(Exhibit 27, Backup pp.83- 91 and 98-106))

(27) The MNCPPC Transportation Section recommended approval with the condition that Applicant submit a Traffic Impact Analysis prior to the acceptance of a preliminary plan of subdivision, reasoning as follows:

[Applicant's proposed public benefits include] [i]ncorporating transparent facades for the retail spaces [;] [p]roviding a courtyard /plaza areas adjacent to the pedestrian pathway to serve residents and passersby[;][c]oncealing parking to the center of the site[;] [b]uilding setbacks[;] [s]ustainable building materials[;] [a]ffordable housing [;] [d]edicated building space for non-profit organizations[; and electric] vehicular parking.

Staff recommend an additional connection to the adjacent 77th Avenue to enhance connectivity to the neighborhood and nearby transit. However, the grading and slopes of the property along that portion of the property will not accommodate an ADA accessible connection....

The development proposes utilizing existing roadways, with no new streets proposed. Sidewalks currently exist along the roadway frontage of MD 450. Widened sidewalks are proposed, however, the development will be subject to the streetscape design of the permitting agency. The site plan includes multiple pedestrian connections through the

site, connecting to the adjacent properties and nearby transit stops. The existing and proposed infrastructure will also provide connections to the adjacent properties and nearby transit stops. Lastly, the majority of parking is proposed within a garage at the center of the site, with limited surface parking proposed for access to the rental office....

(Exhibit 27, Backup pp. 107-108)

(28) The MNCPPC Subdivision Section stated that the development is subject to a prior Preliminary Plan of Subdivision, and a new one will be required if the request is approved. It also mentioned some of the public benefits proffered by Applicant, but felt they need to “be over and above what would be required to meet the subdivision standards of Part 24-4 of the Subdivision Regulations....” It concluded by noting that its comments were “provided for the purpose of determining conformance with any underlying subdivision approvals for the subject property.... (Exhibit 27, Backup pp. 111-112)

(29) The MNCPPC Historic Preservation Section did not recommend a Phase I archaeology survey because the “search of current and historic photographs, topographic and historic maps, and locations of known current archeological sites indicate the probability of archeological sites within the subject property is low.” (Exhibit 23, Backup p. 70)

(30) The MNCPPC Department of Parks and Recreation noted the site is located within one mile of two amenities -Glenridge Park and the West Lanham Neighborhood Park. It urged that connections to the West Lanham Neighborhood Park be provided by Applicant as a public benefit and requested that a condition to that effect be added if the request is approved. (Exhibit 23, Backup pp. 98-99)

(31) The MNCPPC Long-Range Planning Section, Community Planning Division opined that the request is consistent with the general purposes of Planned Development Zones, the General Standards for all Planned Development Zones, the requirements of the NAC-PD Zone, and the Planned Development Decision Standards because: its proposed modified design standards contribute to a high-quality development, allows for a more efficient use of the land, and provides a development form that works with the site’s physical and environmental constraints; the request is preserving the existing tree coverage on site, especially to the south where there are steep slopes and 0.41 acres of forested area; it recognizes the need for remediation due to the existing and prior automobile uses on site; by providing a mixed-use residential property that is affordable to residents earning 60% of the AMI; the design strategy provided for the site encourages the use of alternative modes of travel by creating continuous and pleasant pedestrian and bicycle routes; and, the proposed street-level design and pedestrian court, interior parking, affordable housing and proposed residential density, and provision of community space are adequate public benefits.⁶

⁶ The Community Planning staff stressed, however, the need for more public benefits that exceed the level which would occur under the NAC Zone and recommends the provision of wayfaring signs for those headed to the Purple

(Exhibit 27, Backup pp. 86-97)

(32) The MNCPPC Transportation Section opined that the grading and slopes to the rear of the site will not accommodate an ADA accessible connection, stressed that the applicant submit a traffic impact analysis prior to the acceptance of a Preliminary Plan of Subdivision, and found that the transportation facilities as well as pedestrian and bicycle facilities within the Application are consistent with Section 27-3602. (Exhibit 27, Backup pp.107-110)

(33) The MNCPPC Subdivision Section noted that the Applicant will have to show how its proposed public benefits are over and above what would be required to meet the subdivision standards of Part 24-4 of the Subdivision Regulations, and must conduct a Phase 1 Noise study at the time of Preliminary Plan of Subdivision since it is adjacent to MD 450. (Exhibit 27, Backup pp.111-112)

(34) After consideration of all of the agency comments, the Technical Staff recommended that the request be approved, noting compliance with all applicable provisions of the General Plan and Master Plan, Sections 27-3602(b)(7), 27-3602 (c), 27-4301(a), 27-4301(d), and 27-4303(a). (Exhibit 27, pp. 7-28) I agree with the Technical Staff's analysis and adopt it and incorporate it herein, except where stated otherwise.

(35) The Planning Board prepared a resolution recommending conditional approval (PGCPB No. 2025-038) for the reasons noted by Applicant and the Technical Staff. (Exhibit 25) It provided the following synopsis of the request and discussion of the Application's compliance with Section 27-3602(b)(7) (Review and Recommendation by Advisory Board or Official):

The project will raze the current building on-site, which currently functions as a vehicle rental and vehicle repair facility.

The planned building will feature a maximum of 300 multifamily residential dwelling units. The building will occupy most of the central portion of the site, rising six stories above its frontage on MD 450 and tapering down to three stories toward the south, in order to minimize impacts to a single-family detached residential area abutting the subject property to the south and east. Along the front of the building on MD 450, the first story will consist of commercial or nonprofit organizational space. The residential units and commercial or nonprofit space will surround an internal parking structure.

The applicant has planned for two public spaces on-site. One is a publicly accessible courtyard between the front of the building and the sidewalk on MD 450. This space will feature furniture and shade trees configured in a manner to promote it as gathering space centered along the frontage of

Line trains, improvements to the pedestrian corridor from MD 450 to the Purple Line, and the provision of innovative stormwater management techniques. (Exhibit 27, Backup pp. 96-97)

the development. At the rear of the site is a forested area planned to remain as preserved, with possible recreational use for residents. This preserved area will function as a buffer between the proposed project and the abutting area of single-family detached homes.

Two vehicular access points are planned, at either end of the site's frontage on MD 450, intended to function as an entrance and an exit. Two driveways extend south along each side of the building and enter its central parking structure. The driveways continue beyond these entrances to loading and waste storage areas. Pedestrian circulation routes are identified along the MD 450 sidewalk and between the driveways and along the building, leading from MD 450 sidewalk to pedestrian entrances at the sides of the building adjacent to the vehicular entrances. Pedestrian routes are also marked directly from the sidewalk through the proposed courtyard to an entrance at the front of the building, two others from the side pedestrian paths to the sides of the courtyard, and from the front of the site along the MD 450 sidewalk and across a crosswalk on MD 410 to the future Glenridge Purple Line light rail station...

Section 27-3602(b)(7) – Review and Recommendation by Advisory Board or Official

(A) After holding a hearing, the Planning Board shall make a recommendation on the application in accordance with Section 27-3602 (c), Planned Development (PD) Decisions Standards, and transmit its recommendations to the ZHE. The Planning Board may suggest revisions to the PD basic plan and PD Conditions of Approval. The Planning Board's recommendation shall address:

- (i) Whether the application complies with Section 27-3602(c), Planned Development (PD) Decisions Standards;

The subject application conforms to the planned development decision standards found in Section 27-3602(c) of the Zoning Ordinance ... summarized as follows:

The application conforms to Plan 2035, which places the subject property in a transit district, with a consequently high priority on density, mixed uses and pedestrian friendly design. The application conforms to the master plan in its preservation of natural features, provision of a range of housing options, substantial commercial component, and much-discussed design and circulation layout.

The application meets the purposes of the NAC-PD Zone by providing moderate residential density and a mix of uses, while providing public benefits in affordable housing and a space for a nonprofit organization.

The application satisfies the standards of the NAC-PD Zone by providing moderate residential density and a mix of uses, while providing public benefits in affordable housing and a space for a nonprofit organization.

The application satisfies the standards of the NAC-PD Zone by establishing permissible development standards and enabling pedestrian and transit-oriented development in an appropriate location.

(ii) The need and justification for the PD zone;

The site is currently zoned NAC. Prior to the Countywide Map Amendment, the property was zoned Commercial Shopping Center (C-S-C).⁷ Current zoning allows for all residential dwelling types at a density up to 90 dwellings units per acre, as well as mixed uses. An appeal to ... CB -15-2024 could reduce the maximum residential density in the NAC base zone from 90 dwelling units per acre to 30 dwelling units per acre. The following chart depicts the proposed density with what would be permitted, should current legislation be repealed:

Currently Permitted Under NAC Zoning		Permitted if NAC Standards Lowered	
Maximum Density	90 du/acre	Maximum Density	30 du/acre
Acreage	4.29	Acreage	4.29
Current Maximum Number of Units	386	Possible Maximum Number of Units	128

The applicant's justification for the rezoning is the need for increased density to meet the plan 2035 and master plan priorities, and to provide affordable housing. As discussed in Plan 2035, the property lies in a transit district, which focuses development towards major activity centers and high-capacity transit services.

(iii) The effect of the PD zone, if any, on the land subject to the proposed PD and on surrounding neighborhoods; and

The NAC-PD Zone will not negatively or adversely affect the subject property or the surrounding neighborhoods. The site is bounded to the north by MD 450 and auto service uses; to the east by a fire station and wooded open space with single-family detached houses beyond it; to the south by wooded open space with single-family detached houses beyond it; and, to the west by a laundromat, bank, and wooded open space.

⁷ The property was actually in the C-2 Zone prior to the adoption of the Countywide Map Amendment. See, Exhibit 40, p. 2.

Surrounding commercial and service uses to the north, east, and west of the property have an auto-oriented character. The project will take advantage of nearby high-capacity transit options and move the neighborhood towards the version of transit district. The area of single-family detached homes to the south and east of the site will be buffered from the property by existing woodlands, which will be retained by the project.

- (iv) The relationship of the proposed PD zone to the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan, with appropriate consideration as to whether the proposed PD zone will further the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan.

Zoning Ordinance

The rezoning furthers the general purposes of planned development zones (Section 27-4301(a)),..., and the purposes of the NAC-PD Zone (Section 27-4303(a)(1))....

General Plan

The rezoning furthers the purposes of Plan 2035, ... and, in particular, by concentrating residential development at a higher density near transit, in a designated transit district.

Master Plan

The rezoning furthers the purposes of the master plan,... and in particular, by providing affordable housing and a mix of uses....

(Exhibit 25, pp.7-9) The Planning Board thoroughly reviewed the Technical Staff's recommendations and incorporated them. It reviewed Applicant's request, agreeing with two of the three requested modifications to the development standards (concerning the design of the roofs and the balcony orientation). (Exhibit 25, p.33) It chose not to waive the requirement to provide cross-connectivity, noting that the waiver should be considered at the time of preliminary plan review. (Exhibit 25, p. 34) Two members of the public forwarded correspondence objecting to the request, and their reasoning was included in the Planning Board resolution. Each were concerned about the vehicular traffic in the area, the residential density, and were opposed to any direct pedestrian connection to West Lanham Hills Park. (Exhibit 25, p. 34)

Finally, the Planning Board recommended approval of the request, but revised the conditions suggested by the Technical Staff, and the Applicant concurs with the revision of Conditions 1 and 2. (Exhibit 25, p. 36)

APPLICABLE LAW

(1) The District Council may not approve the instant request unless Applicant presents sufficient credible evidence that the strictures in Section 27-3602(b)(7) have been met. Applicant is also required to satisfy applicable provisions found in Section 27-1300, Section 27- 3602 (b)(7), (9), and (c), Section 27- 4301, and Section 27-4303. These Sections are attached at the end of the decision due to an error that arose during the printing of this document.

(2) Additionally, Section 27-6104 of the Zoning Ordinance identifies the development standards that apply to the instant request. This Section includes a Table that states that the construction of a new multifamily development must address the design standards in Sections 27-6200 (roadway access/mobility/circulation), 27-6300 (Off street parking and loading standards), 27-6400 (open space set asides), 27-6700 (exterior lighting), 27-6800 (environmental protection and noise control standards), 27-6903 (multifamily form and design standards), and 27-61200 (Neighborhood compatibility standards). Table 27-6104 (Applicability of Development Standards) expressly notes “[w] here the general standards within this [Part] conflict with specific use standards specified in this Subtitle, the standards applicable to the specific use shall apply.” Section 27-6105 (Timing of Review), provides that the PD Basic Plan may amend many of the development standards within Part 6 to set new design standards, subject to the approval of the District Council. The Basic Plan may not amend the requirement to meet the Neighborhood Compatibility Standards.

CONCLUSIONS OF LAW

(1) The Application may be approved as it generally satisfies all applicable provisions of law.

Conformance with Applicable Plans and Purposes

(2) Section 27-1300 sets forth the general purposes of the Zoning Ordinance, Section 27-4301 (a) sets forth the general purposes of all Planned Development Zones, and Section 27-4303 (a) (1) sets forth the specific purposes of the NAC-PD Zone. Section 27-3602(b)(A)(iv) requires the Planning Board to address whether the instant Application furthers these purposes. After a review of the Planning Board’s recommendation, all exhibits submitted, and testimony provided, I would agree that the purposes set forth in these Sections of the Zoning Ordinance are met, since:

(a) The request will provide affordable multifamily dwellings designed in a manner that preserves/protects the environmental features on a site with its varying topographical issues. It will provide infill development that is compatible with the surrounding dwellings and public land. The development falls well within the densities recommended in the General Plan and the 1994 Bladensburg-New Carrollton and Vicinity Master Plan since it does not add to the glut of retail and office space discussed within the Master Plan. The request does address certain policies within the 2014 General Plan, such as concentrating medium – to high-density development in Regional Transit Districts and

Local Centers, the implementation of green building techniques, and the provision of modern stormwater management and stream buffer protection. The development will have to satisfy all applicable provisions of the Zoning Ordinance, Building Code, Subdivision Regulations and other laws thereby ensuring adequacy of light, air and privacy, prevention of the overcrowding of land, protection from fire, flood and other dangers, the provision of open space, adequacy of public facilities, and provision of multi-modal forms of mobility for pedestrian, exercising, and motorist. (Section 27-1300)

(b) The request reduces the inflexibility of the NAC Zone standards because it will allow Applicant to modify certain intensity and dimensional standards of the base zone, as well as some of the development standards in Part 6 of the Zoning Ordinance. (Section 27-4301(a)(1)) As a result, Applicant will have greater freedom and flexibility in the design of the building, and amenities offered (Section 27-4301(a)(2)) Applicant has not identified the specific accessory/temporary uses it wishes to utilize (as this Examiner believes must be done, and addresses below) but granting the requested zone allows it to have the mix of uses within the development. (Section 27-4301(a)(3)) The development will be served by two access points along Annapolis Road and will not provide any new streets, as it is to be a single structure on a single parcel; however, adequacy will be addressed at the time of subdivision. (Sections 27-4301 (a)(4) and (6)) The protection of the subject property's steep topography to the rear and preservation of its woodlands will respect the character of the abutting West Lanham Hills neighborhood.(Section 27-4301 (a)(5)) There are no historic features, nor natural, scenic, or man-made features on site, other than trees, and the trees are protected as required by applicable provisions of law.(Section 27-4301(a)(7)) Public benefits are provided on the PD Basic Plan and PD Conditions of Approval, and discussed further below.(Section 27-4301(a)(8))

(c) The request will accommodate a mixed-use (community/nonprofit space and moderate-density multifamily) development within a Local Neighborhood Center located very close to both the soon-to-open Purple Line and the New Carrollton Transit Center, thereby decreasing the need for automobile dependency and providing opportunities for alternate modes of travel.(Section 27-4303(a)(1)) The request will provide residential development at a density that meets the General Plan's density for Local Neighborhood Centers and, therefore, should be sufficient to support mixed-use and transit-supportive development.(Section 27-4303(a)(1)(B)) The types of dwelling units and mix of community/nonprofit space, along a major arterial and close to mass transit, should encourage a live/work/ shop, and play environment.(Section 27-4303(a)(1)(C))The ground floor space set aside for community/nonprofit use will, by its very nature, support residential needs and/or those of the surrounding community.(Section 27-4303(a)(1)(D))The Basic Plan shows connections to Annapolis Road (MD 450), including its pedestrian and bicycle network, and there will be an ability to connect to abutting properties as they develop with compatible uses.(Section 27-4303(a)(1)(E)) The building, with its unique public plaza in the front, interior hidden parking, and orientation toward Annapolis Road, and designed to respect the natural terrain, will create an inviting and interactive environment.(Section 27-4303(a)(1)(F) and (G)) This development will provide much-needed affordable housing in the area, thereby adding to the range of housing options. (Section 27-4303(a)(1)(H))

(Section 27-3602 (c)(1) and (2))

Conformance with Applicable Standards

Section 27-4301 (d)(1)(A)-(O) requires, in pertinent part, that the Basic Plan: establish a statement of planning and development goals that is consistent with the General Plan, applicable master or sector plan, and the purposes of the PD Zone; establish the specific principal, accessory, and temporary uses to be permitted, consistent with the purposes/standards, etc., of the PD Zone, the specific standards identified in the PD Basic Plan, and the Use Tables in Part 5 of the Zoning Ordinance; establish the general location of each development area in the zone, its acreage, types and mix of land uses, number of residential uses by type, and residential density consistent with the general purposes and specific requirements of the PD Zone; establish the dimensional standards of the PD Zone consistent with the other requirements of the Zone and its purposes; where relevant, establish standards and requirements that ensure development on the periphery be compatible with the adjacent existing or approved development; establish the general amount, location and type of open space consistent with the purposes of the zone; identify the general location of environmentally sensitive lands, resource lands, wildlife habitat, waterway corridors, and ensure protection thereof consistent with the purposes of the zone and the requirements of Subtitle 27; identify onsite and adjacent historic sites and districts and archeological/cultural resources; identify onsite pedestrian/bicycle/transportation circulation systems and how they connect with off-site systems in ways consistent with the purposes of the zone and with the requirements of Subtitle 27; identify the general location of on-site potable water and wastewater facilities, and on-site storm drainage facilities, and how they connect to existing and planned County and regional systems in a manner consistent with the purposes of the zone and the requirements of Subtitle 27; identify the general location and layout of all other on or off-site public facilities serving the development and how they are consistent with the purposes of the individual PD Zone; establish provisions as to how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development; and, establish the development standards for the site in accordance with Section 27-4301(d)(2) of the Zoning Ordinance. The record before the Planning Board and this Examiner supports a finding that all of these requirements are met. In summary, The PD Basic Plan, in conjunction with the SOJ, establishes a statement of the planning and development goals for the site, although I recommend a condition concerning use of the SOJ; the PD Basic Plan mentions an intent permit any allowable use on the site, and I have suggested a condition for this stance; the PD Basic Plan pinpoints the general location of the area to be developed, the maximum number of residential units to be provided, and the square footage for the nonprofit/community use; all dimensional standards are shown and they basically mimic those in the NAC Zone, with small modifications to build-to-line, building height, and block length, discussed, *supra*; the site is designed in a manner to be compatible to adjacent single-family residences; provides an open space area that meets the purposes of the NAC-PD Zone as it helps to create an identity/sense of place along MD 450; the small area of environmentally sensitive area located outside of the development envelope is

identified; there are no historic sites, resources, districts, cultural resources, nor known archeological resources on or near the site; the on-site and off-site pedestrian circulation systems are identified, and the general design of the on-site transportation system is as well; the property is within Water and Sewer Category 3 and existing storm drain facilities and their connections are shown; the identification of other public facilities are discussed in the SOJ; the development standards in Part 6 of the Zoning Ordinance will generally be applied, and the few modifications are in the SOJ (and were discussed herein); and public benefits and project amenities are in the SOJ (and were discussed herein). I agree with the Applicant that the provision of EV and EV ready parking spaces in the amount proffered should qualify as a public benefit since they are not required at this time.

I recommend that the PD Conditions of Approval should be attached to the Basic Plan to ensure that they travel together as permits are granted, etc., and that the Basic Plan must identify particular accessory or temporary uses since the express language in Section 27-4301 states that the Basic Plan “shall ... establish **the specific principal, accessory, and temporary uses permitted in the zone ... consistent with the Principal Use Tables....**” Similarly, language in Section 27-4303 (a)(1) provides that the “**specific principal, accessory, and temporary uses allowed in an individual NAC-PD Zone shall be established in the PD Basic Plan ... [and] shall be consistent with the applicable Area Master Plan**” If this language is to be given any meaning, as required by general tenets of statutory construction, the accessory and temporary uses should be identified in the same manner as the principal.

For the same reasons noted above (and discussed thoroughly by Applicant's witnesses, the Technical Staff and the Planning Board) I find that the Standards applicable to the NAC-PD-Zone, in particular, (found in Section 27-4303 (a)(2)-(4)) are satisfied.

The NAC-PD Zone clearly allows Applicant to reduce the inflexibility of base zone standards in order to select the form and design of the multifamily dwelling; to address the best ways for pedestrians, bicyclists, transit users, and vehicles to circulate; to design the building in a manner that protects the natural features of the land and the environment; and to address open space and civic space, and design amenities. (Section 4301 (a)(1) and (2)) The Applicant provided a PD Basic Plan using its Statement of Justification (“SOJ”) as the statement of Planning and development goals and as its PD Conditions of approval. The SOJ addressed the uses permitted in the zone, although I believe these must be **specifically spelled out** and included on the Basic Plan. The Basic Plan established the general location of the development, the acreage, the mix of uses provided, and the density and nonresidential intensity, consistent with the general purposes of all PD zones and the specific requirements of the NAC-PD Zone. The development standards are shown, for the most part, with the understanding that lighting and other standards will be more fully fleshed out at the time of detailed site plan review. Open space is addressed as well as access to the adjacent Park. There is a small area of environmentally sensitive land on the site, as shown on the Basic Plan, and the area is not within the building envelope. There are no on-site or

adjacent historic sites, resources, districts, or other archeological/cultural resources. The on-site pedestrian circulation is identified, as well as the off-site connections. Interconnectivity with abutting parcels will be addressed during later applications. The on-site transportation circulation and its interconnection with pedestrian circulation are illustrated on the Basic Plan. The PD Basic Plan notes that the property is within Water and Sewer Category 3; thus, the building will have access to water and sewer as soon as it is ready to connect thereto. The General location of all other public facilities is addressed in the SOJ. The SOJ and PD Conditions of Approval were revised to specific public benefits and amenities, and the requested modifications are on the Basic Plan or will be added. More will be provided in the review of applications that will occur later if the request is approved. (Section 27-4301(d))

(Section 27-3602(c)(3))

Absence of Adverse Impact on the surrounding properties

The last finding that must be made before the request may be approved is that it will not adversely impact the surrounding properties. (Section 27-3602(c)(4)) The surrounding properties are outlined, *infra*. The area is a mix of residential (multifamily and single-family dwellings), retail, commercial, and office uses. It is part of a Local Center, and location within such Centers is a prerequisite for the approval of the instant Application. Thus, the District Council has already determined that the requested zone is one that can be allowed, provided the use satisfies all applicable criteria. The discussion above, as well as all evidence in the record, indicates that it has.

The opposition is primarily concerned about the perceived proliferation of multifamily dwellings in the neighborhood, given the disruptions experienced by the long-term residents as a result of development in the area (e.g., the Purple Line construction and modifications to the New Carrollton Metro facilities). Ms. Karam averred that she and others in West Lanham Hills are also opposed to the creation of a connecting path from the subject property to the West Lanham Hills Park to the south, fearing an increase in crime and the displacement of wildlife that make their home in the area. As noted above, the Applicant also opposes the creation of the path due to the difficult topography to the rear of the site, which makes it challenging to provide a safe, ADA-compliant access to the path.

I understand Ms. Karam's valid concerns. However, the existing zoning and the requested zoning allow the development of multifamily dwelling units on the site *by right*. (See, Prince George's County Zoning Ordinance, Sections 27-5101 (d) and (e)). It is important to emphasize that the Applicant is also requesting a lower density than allowed under the current zoning, which should reduce any impact upon the adjacent single-family development. I therefore believe that this single building located very close to transit, accessed solely from MD 450, meeting the voluminous requirements for approval, will adversely impact the surrounding properties as described herein.

However, I agree with Ms. Karam and the Applicant that the amount of gymnastics it would take to provide accessible access to the Park, coupled with the loss of woodland that would result, and the community's concerns, make it unreasonable to require the Applicant to construct the access.

RECOMMENDATION

I recommend Approval of ZMA -2024-003, subject to the following Conditions:

- (1) Revise the Basic Plan to change the height requested to 66 feet, to identify the specific accessory and temporary uses that will be allowed, and to add the PD Conditions of Approval within the SOJ as an appendage thereto.
- (2) The proposed project shall provide affordable housing, with the residential units to be rented for an average of 60 percent of the area median income (AMI). At least 98 percent of the residential units of the proposed development shall be affordable, to these specifications. A subsequent application shall determine any appropriate assurance of this use restriction.
- (3) The Applicant shall include at least 3,000 square feet of nonresidential space in the Detailed Site Plan to be submitted for this project. The Applicant shall use best efforts to provide this space rent-free to a nonprofit entity or entities upon construction of the building. In the event that the Applicant has been unable to identify an appropriate nonprofit entity to occupy the space within one year following the issuance of the final use and occupancy permit for the residential units, the Applicant shall fit out the space as a meeting space for local community groups, civic associations, clubs, and others in the community, and will manage the use of that space for the benefit of the community groups and organizations which utilize it.
- (4) At the time of Detailed Site Plan, the Applicant shall demonstrate that a minimum of 20 EV Ready parking spaces and 50 EVSE-Installed parking spaces will be provided.

Sec. 27-1300 General Purpose and Intent

The purposes of the Zoning Ordinance are to:

- (a) Protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;
- (b) Implement the General Plan, Area Master Plans, Sector Plans, and Functional Master Plans;
- (c) Promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;
- (d) Guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;
- (e) Support pedestrian-friendly, higher-intensity, mixed-use development in the appropriate locations, including support and emphasis upon a framework for multi-modal forms of mobility for pedestrians, bicyclists, transit users, and motorists;
- (f) Support redevelopment and infill development within established areas of the County;
- (g) Provide adequate light, air, and privacy;
- (h) Encourage economic development activities that provide desirable employment and a broad, protected tax base;
- (i) Ensure a high level of quality development in general, for the benefit of all citizens and residents, throughout the County;
- (j) Promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;
- (k) Protect the established character of residential communities and neighborhoods;
- (l) Protect the County from fire, flood, panic, and other dangers;
- (m) Provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;
- (n) Prevent the overcrowding of land;
- (o) Protect the rural character of the County in designated, appropriate locations;
- (p) Ensure the provision of open space to protect scenic beauty and the natural features of the County, as well as provide adequate recreational space;
- (q) Protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features; and
- (r) Protect and conserve the agricultural industry and natural resources.

27-3602. Planned Development (PD) Zoning Map Amendment

(a) Planned Development (PD) Map Amendment Submittal Requirements

- (1) The PD map amendment application shall be submitted to the Planning Director by the owner of the property or his authorized representative.
- (2) PD map amendment plats and site plans shall be prepared by a licensed professional engineer, architect, landscape architect, or land use planner.
- (3) Upon filing the application, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the application.
- (4) If more than 1 drawing is used, all drawings shall be at the same scale (where feasible).
- (5) A PD map amendment application shall include the following:
 - (A) A signed application form, which shall include:

- (i) The name, address, and telephone number of the applicant, and an indication of the applicant's status as contract purchaser, agent, or owner;
 - (ii) The street address of the property, name of any municipality the property is in, and name and number of the Election District the property is in;
 - (iii) The name, address, and signature of each owner of record of the property. Applications for property owned by a corporation must be signed by those officers empowered to act for the corporation;
 - (iv) The name, address, and telephone number of the correspondent;
 - (v) A statement listing the name, and the business and residential addresses, of all individuals having at least a five percent (5%) financial interest in the property or the contract purchaser(s);
 - (vi) If any owner or contract purchaser(s) is a corporation, a statement listing the officers of the corporation, their business and residential addresses, and the date on which they assumed their respective offices. This statement shall also list the current Board of Directors, their business and residential addresses, and the dates of each Director's term. An owner that is a corporation listed on a national stock exchange shall be exempt from the requirement to provide residential addresses of its officers and directors; and
 - (vii) If the owner or contract purchaser(s) is a corporation (except one listed on a national stock exchange), a statement containing the names and residential addresses of those individuals owning at least five percent (5%) of the shares of any class of corporate security (including stocks and serial maturity bonds).
- (B)** Four copies of an accurate plat, prepared, signed, and sealed by a registered engineer or land surveyor, which shall show:
- (i) The present configuration of the property, including bearings and distances (in feet) and the total area of the property (in either acres or square feet);
 - (ii) The property's lot and block number, subdivision name, and plat book and page number, if any; or a description of its acreage, with reference to liber and folio numbers;
 - (iii) The names and owners of record, or subdivision lot and block numbers, of adjoining properties;
 - (iv) The name, location, distance to the center line, and right-of-way width of all abutting streets. If the property is not located at the intersection of 2 streets, the distance to, and the name of, the nearest intersecting street shall be indicated;
 - (v) A north arrow and scale (no smaller than 1 inch equals 400 feet);
 - (vi) The total area of the property (in either square feet or acres);
 - (vii) The location of all existing buildings on the property; and
 - (viii) The subject property outlined in red.
- (C)** Four copies of the zoning map page on which the property is located, plotted to scale and outlined in red;
- (D)** A vicinity map;
- (E)** A copy of the applicant's informational mailing letter, list of addresses, and signed affidavit of mailing;
- (F)** Any required State Ethics Commission affidavits;
- (G)** A statement of justification detailing the legal basis by which the requested amendment can be approved, and any factual reasons showing why approval of the request will not be detrimental to the public health, safety, and welfare;
- (H)** A proposed PD Basic Plan and proposed PD Conditions of Approval addressing all requirements and standards set forth in Section [27-4300](#), Planned Development Zones; and

- (I) Any other pertinent information deemed necessary by the District Council, Zoning Hearing Examiner, or Planning Board.

(b) Planned Development (PD) Zoning Map Amendment Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section 27-3400, Standard Review Procedures, that apply to development applications for a PD map amendment. Figure 27-3602(a) identifies key steps in the planned development map amendment procedure.

Figure 27-3602(a): Planned Development (PD) Zoning Map Amendment Procedure (Illustrative)			
↓	27-3401	Pre-Application Conference	Required
↓	27-3402	Pre-Application Neighborhood Meeting	Required
↓	27-3403	Application Submittal	To Planning Director, proposed PD Basic Plan and PD Conditions of Approval required
↓	27-3404	Determination of Completeness	Planning Director makes determination
↓	27-3406	Staff Review and Action	Planning Director prepares Technical Staff Report
↓	27-3407	Scheduling Public Hearing and Public Notice	Review Board/ZHE (Clerk of the District Council) schedule their hearings, provide notice
↓	27-3408	Review and Recommendation by Advisory Board or Officer	Planning Board hearing, recommendation; ZHE hearing, recommendation
↓	27-3409	Review and Decision by Decision-Making Body or Officer	District Council holds hearing, makes decision (conditions allowed)
→	27-3416	Notification	Clerk of the Council notifies

(1) Pre-Application Conference

See Section 27-3401, Pre-Application Conference.

(2) Pre-Application Neighborhood Meeting

See Section 27-3402, Pre-Application Neighborhood Meeting.

(3) Application Submittal

See Section 27-3403, Application Submittal. In addition, a proposed PD Basic Plan and proposed PD Conditions of Approval addressing all requirements and standards set forth in Section 27-4300, Planned Development Zones, shall be submitted as a part of the application.

(4) Determination of Completeness

See Section 27-3404, Determination of Completeness.

(5) Staff Review and Action

See Section 27-3406, Staff Review and Action. After staff review and evaluation of the application, the Planning Director shall prepare a Technical Staff Report, which shall include a recommendation on the application.

(6) Scheduling Public Hearing and Public Notice

See Section 27-3407, Scheduling of Hearings and Public Notice.

(7) Review and Recommendation by Advisory Board or Official

See Section [27-3408](#), Review and Recommendation by Advisory Board or Official.

- (A)** After holding a hearing, the Planning Board shall make a recommendation on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards, and transmit its recommendation to the ZHE. The Planning Board may suggest revisions to the PD Basic Plan and PD Conditions of Approval. The Planning Board's recommendation shall address:
- (i)** Whether the application complies with Section 27-3602(c), Planned Development (PD) Decision Standards;
 - (ii)** The need and justification for the PD zone;
 - (iii)** The effect of the PD zone, if any, on the land subject to the proposed PD and on surrounding neighborhoods; and
 - (iv)** The relationship of the proposed PD zone to the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan, with appropriate consideration as to whether the proposed PD zone will further the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan.
- (B)** After the receipt of the Planning Board's recommendation, the ZHE shall provide notice, schedule, and conduct an evidentiary hearing on the application in accordance with Section [27-3412](#), Evidentiary Hearing, and make a recommendation. The ZHE shall issue its decision not more than one hundred (100) days after the date of its last hearing on the application. The ZHE shall, following the ZHE's Rules of Procedure, consider the original application, relevant support materials, the Technical Staff Report, the Planning Board's recommendation, the applicant's and any party of record's testimony and materials (if appropriate), and any public comments, as appropriate. At the conclusion of the hearing, the ZHE shall make a recommendation on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards.
- (C)** After the hearing is concluded, the ZHE shall prepare and serve upon all persons of record a written decision containing specific findings of basic facts, conclusions of law, and a recommended decision.

(8) Review and Decision by Decision-Making Body or Official

See Section [27-3409](#), Review and Decision by Decision-Making Body or Official.

- (A)** After receipt of the ZHE's recommendation, the District Council shall conduct a public hearing on the application in accordance with Section [27-3414](#), Oral Argument Hearing, and make a decision, by majority vote, on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards. A two-thirds majority vote of the full Council shall be required to approve a planned development map amendment that is contrary to the recommendation of a municipality concerning land within its boundaries, the recommendation of a governed special taxing district concerning land within its district, or an amendment that is contrary to an approved Area Master Plan or Sector Plan. The District Council may direct revisions to the PD Basic Plan and PD Conditions of Approval. The District Council's decision shall be one of the following:
- (i)** Adopt by ordinance the PD map amendment, including the PD Basic Plan and PD Conditions of Approval;
 - (ii)** Remand the application back to the Planning Board for further consideration; or
 - (iii)** Disapprove the PD map amendment.
- (B)** The approved PD Basic Plan and PD Conditions of Approval shall be the zoning text for the PD zone, and any subsequent development approval or permit shall comply with the approved PD Basic Plan and PD Conditions of Approval, except that minor deviations shall be allowed in accordance with Section 27-3602(b)(11)(G), Minor Deviations.

- (C) The applicant has ninety (90) days from the date of District Council's decision to approve the conditions as part of the PD map amendment, to accept or reject the conditions of approval. The applicant shall accept or reject the conditions in writing, to the Council.
- (D) If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance, at which time the Council's action is final.
- (E) Failure of the applicant to advise the Council about acceptance of the conditions of approval is considered a rejection of the conditions.
- (F) If the conditions of approval are rejected, the PD map amendment will be denied and voided, and the land subject to the application will maintain its prior zone classification. If this occurs, the Council shall enter an order acknowledging the rejection, voiding its previous decision, and stating the land maintains its prior zone classification. This order shall be the final decision on the application.
- (G) All amendments that are approved subject to conditions shall be shown on the Official Zoning Map with the letter "C" after the application number.

(9) Conditions of Approval

Allowed (see Section [27-3415](#), Conditions of Approval).

- (A) The following conditions of approval are allowed:
 - (i) The conditions in Section [27-4301\(d\)\(3\)](#), PD Conditions of Approval;
 - (ii) Conditions that may be necessary to protect surrounding properties from adverse effects that might accrue from the proposed zoning map amendment (ZMA);
 - (iii) Conditions that would further enhance the coordinated, harmonious, and systematic development of the regional district; and/or
 - (iv) Conditions that reflect amendments to the development standards of this Zoning Ordinance as may be proposed and approved in the PD Basic Plan.

(10) Notification

See Section [27-3416](#), Notification.

(11) Post-Decision Actions

Once the PD zone is approved, the applicant must receive approval of a detailed site plan (see Section [27-3605\(d\)](#), Detailed Site Plan Procedure) and major preliminary plan of subdivision (see [Subtitle 24: Subdivision Regulations](#)), prior to development of the site, to ensure substantial compliance with the approved PD Basic Plan and PD Conditions of Approval. Any permits or development approvals shall be in conformance with the PD Basic Plan and PD Conditions of Approval.

(A) Effect of Approval

- (i) Lands within an established PD zone shall be subject to the approved PD Basic Plan and PD Conditions of Approval. The PD Basic Plan and PD Conditions of Approval are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development approvals and permits necessary to implement the PD Basic Plan and PD Conditions of Approval in accordance with the applicable procedures and standards set forth in this Ordinance.

(B) Designation on Official Zoning Map

If a PD zone is adopted by the District Council, the Planning Director shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption. Designation of a PD zone on the Official Zoning Map shall note the ordinance adopting the PD zone classification, the PD Basic Plan, and the PD Conditions of Approval.

(C) Effect on Special Exceptions

When any land upon which a special exception has been approved is reclassified to a zoning category different from that category in which it was classified at the time the special exception was approved, the following shall apply:

- (i) If, at the time of the rezoning, the approved use requires the approval of a special exception in the new zone, and the specific special exception requirements governing the use are the same in both zones, the special exception, as approved, shall remain in full force and effect.
- (ii) If, at the time of the rezoning, the approved use is not permitted in the new zone, or requires approval of a special exception with different requirements, and the use or construction authorized by the special exception has commenced and has not ceased, the special exception shall not terminate and the use may continue as a nonconforming use.
- (iii) If, at the time of the rezoning, the approved use is not permitted in the new zone, or requires approval of a special exception with different requirements, and the use or construction authorized by the special exception has not commenced or has ceased, the special exception shall terminate, and all provisions of the new zone shall apply to the use and development of the property.
- (iv) If, at the time of the rezoning, the approved use is permitted in the new zone without approval of a special exception, the special exception shall terminate, and all provisions of the new zone shall apply to further use and development of the property.

(D) Resubmitting Application

If the District Council wholly or partly denies an application for a Planned Development (PD) Zoning Map amendment, the following limitations apply instead of those in Section 27-3418(d), Resubmitting Application:

- (i) The District Council shall not act on a subsequent application for any portion of the same land within eighteen (18) months after the date of the first denial and within twenty-four (24) months after the date of any subsequent denial.
- (ii) In any subsequent application for any portion of the same land and for the same zone classification, by the same applicant, the District Council may not base its findings solely on any fact or circumstance that was presented at the hearing on the prior application.
- (iii) For purposes of this Subsection, "date of denial" means the date of the District Council's decision or, in the case of judicial review, the date of the final judgment of the Circuit Court.

(E) Completion of Necessary Agreements and Recordation

Prior to the submission of any subsequent development application having as its subject any land in the PD zone, the applicant shall file with the Land Records of Prince George's County, the following:

- (i) Copies of the PD Basic Plan and PD Conditions of Approval; and
- (ii) Any deed restrictions or other restrictive covenants required by the District Council in its approval of the PD zone, as well as any completed agreements with the County that are necessary for the County to become a party to the deed restrictions or other restrictive covenants.

(F) Amendment

Notwithstanding Section 27-3602(b)(11)(G), Minor Deviations, below, an amendment of an adopted PD zone, including the approved PD Basic Plan or PD Conditions of Approval, may only be approved in accordance with the procedures and standards established for its original approval.

(G) Minor Deviations

After the establishment of a PD zone in accordance with Section 27-3602, Planned Development (PD) Zoning Map Amendment and the initial detailed site plan for the project, subsequent applications for development approvals and permits (e.g., detailed site plans or special exceptions) within a PD zone that include minor deviations from the approved PD Basic Plan or PD Conditions of Approval may be reviewed and decided by the Planning Director, without the need to amend the PD zone, if the Planning Director determines that such deviations consist of only the following:

- (i) Changes that result in a decrease in the density or intensity of development approved for a specific parcel;
- (ii) An increase in residential density for any specific parcel of ten (10) percent or less, if the total allowed density with the PD zone does not increase;
- (iii) A decrease in height;
- (iv) A reduction of off-street parking spaces by up to ten (10) percent if it can be demonstrated by a parking study that the parking spaces are not needed because of the unique features of the site;
- (v) A reduction of off-street loading spaces by up to twenty (20) percent if it can be demonstrated that the off-street loading spaces are not needed because of the unique features of the site;
- (vi) Minor modification to the parking lot design and circulation where it can be demonstrated that such minor adjustments will result in a more efficient and pedestrian-friendly parking lot design;
- (vii) Minor modification to the off-street loading design where it can be demonstrated that such minor modifications will result in a more efficient off-street loading design;
- (viii) A modification of design of facilities for amenities such as parks, gardens, or open spaces; or
- (ix) A deviation specifically listed in the approved PD Conditions of Approval or PD Basic Plan as a minor deviation not materially affecting the PD zone's basic concept or the designated general use of the land within the zone.

(c) Planned Development (PD) Decision Standards

Prior to the approval of the PD zone, the applicant shall demonstrate to the satisfaction of the District Council that the entire development:

- (1) Is in conformance with the General Plan, the applicable Area Master Plan or Sector Plan, or any applicable Functional Master Plan;
- (2) Meets the purposes of the proposed PD zone;
- (3) Satisfies all applicable standards of the proposed PD zone; and
- (4) Will not adversely impact the surrounding properties.

(d) Appeal

See procedures in Section [27-3601\(f\)](#), Appeal.

(CB-015-2024)

27-4301. General Provisions for All Planned Development Zones

(a) General Purposes of Planned Development Zones

The Planned Development (PD) zones are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives resulting in a project superior to what would result from compliance with Base zones by:

- (1) Reducing the inflexibility of zone standards that sometimes results from strict application of the zone development, form, and design standards established in this Ordinance;
- (2) Allowing greater freedom and flexibility in selecting:
 - (A) The form and design of development;
 - (B) The ways by which pedestrians, bicyclists, transit users, and motorists circulate;
 - (C) The location and design of the development respective and protective of the natural features of the land and the environment;
 - (D) The location and integration of open space and civic space into the development; and
 - (E) Design amenities.
- (3) Where appropriate, allowing greater freedom in providing a well-integrated mix of uses in the same development, including a mix of nonresidential development, housing types, lot sizes, and densities/intensities;
- (4) Allowing more efficient use of land, with coordinated and right-sized networks of streets and utilities;
- (5) Promoting development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses;
- (6) Improving community services and facilities and enhancing functionality of vehicular access and circulation;
- (7) Promoting development forms that respect and take advantage of a site's natural, scenic, and man-made features, such as rivers, lakes, wetlands, floodplains, trees, historic features, and cultural and archeological resources; and
- (8) Providing public benefits to further protect and advance the public health, safety, welfare, and convenience.

(b) Classification of Planned Development Zones

Land shall be classified into a PD zone only in accordance with the procedures and requirements set forth in Section 27-3602, Planned Development (PD) Zoning Map Amendment.

(c) Organization of Planned Development Zone Regulations

Section 27-4301(d), General Standards for All Planned Development Zones, sets out general standards applicable to all types of PD zones. Section 27-4302 through Section 27-4304 sets out for each of the different types of PD zones, a purpose statement, a list of the types of form, intensity, dimensional, development, and design standards to be applied as part of the PD Basic Plan and PD Conditions of Approval, and references to applicable use and other standards.

(d) General Standards for All Planned Development Zones

Before approving a PD zone classification, the District Council shall find that the application for the PD zone classification, as well as the PD Basic Plan and Conditions of Approval, comply with the following standards:

(1) PD Basic Plan

The PD Basic Plan shall:

- (A) Establish a statement of planning and development goals for the zone that is consistent with the General Plan and the applicable Area Master Plan or Sector Plan and purposes of the PD Zone;
- (B) Establish the specific principal, accessory, and temporary uses permitted in the zone. They shall be consistent with the Principal Use Tables (and may only be selected from uses identified as Allowable in the desired PD zone) in Section 27-5101(e), Principal Use Table for Planned

Development Zones, and the purposes of the particular type of PD zone, and be subject to applicable use-specific standards identified in the PD Basic Plan, and any additional limitations or requirements applicable to the particular type of PD zone;

- (C) Establish the general location of each development area in the zone, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the general purposes of the PD zone and the specific requirements of the individual PD zone;
- (D) Establish the dimensional standards that apply in the PD zone. The dimensional standards shall be consistent with the requirements of the individual PD zone, and its purposes;
- (E) Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD zone is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, location and design of parking facilities, hours of operation, exterior lighting, siting of service areas, and any other standards deemed appropriate by the District Council;
- (F) Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zone;
- (G) Identify the general location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual PD zone and the requirements of this Ordinance;
- (H) Identify the general location of existing on-site and adjacent historic sites, resources, and districts and archeological and cultural resources;
- (I) Identify the general on-site pedestrian circulation system, including any existing on-site and adjacent pedestrian circulation systems (pedestrian and bicycle pathways, and trails), and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
- (J) Identify the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system, and connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
- (K) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
- (L) Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned County systems, in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
- (M) Identify the general location and layout of all other on-site and off-site public facilities serving the development (including any municipal public facilities, when the subject property is located within a municipality), and how they are consistent with the purposes of the individual PD zone. The other on-site and off-site public facilities considered shall include—but not limited to—parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management;
- (N) Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
- (O) Establish the development standards that will be applied to development in accordance with Section 27-4301(d)(2), Development Standards; and

(P) Include specific public benefits and project amenities in accordance with Section 27-4301(d)(3).

(2) Development Standards

The development standards in [PART 27-6: Development Standards](#) and the Landscape Manual, shall apply to all development in each PD zone. Development standards (but not the Landscape Manual; modifications to the Landscape Manual may only be made pursuant to Alternative Compliance or a major departure) may be modified as indicated in Table 27-4301(d)(2): Modification of Development Standards, if consistent with the relevant Area Master Plan or Sector Plan, the purposes and requirements of the individual PD zone, and any other applicable requirements of this Ordinance. To the extent a standard in [PART 27-6: Development Standards](#), conflicts with a standard in Section [27-4302](#), Residential Planned Development Zones; Section [27-4303](#), Transit-Oriented/Activity Center Planned Development Zones; or Section [27-4304](#), Other Planned Development Zones, the standard in Section [27-4302](#), Section [27-4303](#), or Section [27-4304](#) shall apply.

Table 27-4301(d)(2): Modification of Development Standards	
Standard	Means of Modifying
General Site Layout (PART 24-4: Subdivision Standards ; Sec. 27-6200 , Roadway Access, Mobility, and Circulation.)	PD Basic Plan
Roadway Access, Mobility, and Circulation (Sec. 27-6200)	PD Basic Plan
Off-Street Parking and Loading (including bicycle parking) (Sec. 27-6300)	Alternative Parking Plan PD Basic Plan
Open Space Set-Asides (Sec. 27-6400)	Modifications Prohibited
Landscaping (Sec. 27-6500)	Modifications Prohibited
Fences and Walls (Sec. 27-6600)	PD Basic Plan
Exterior Lighting (Sec. 27-6700)	PD Basic Plan
Environmental Protection and Noise Controls (floodplain management, environmental features, stormwater, erosion and sedimentation, CBCAO protections, wetlands, noise) (Sec. 27-6800)	Modifications Prohibited
Multifamily, Townhouse, and Three-Family Form and Design (Sec. 27-6900)	PD Basic Plan
Nonresidential and Mixed-Use Form and Design (Sec. 27-61000)	PD Basic Plan
Industrial Form and Design (Sec. 27-61100)	PD Basic Plan
Neighborhood Compatibility (Sec. 27-61200)	PD Basic Plan
Agricultural Compatibility (Sec. 27-61300)	Modifications Prohibited, if Compatibility Standards are Applicable
Urban Agriculture Compatibility (Sec. 27-61400)	Modifications Prohibited, if Compatibility Standards are Applicable
Signage (Sec. 27-61500)	PD Basic Plan
Green Building (Sec. 27-61600)	Modifications Prohibited

(3) Public Benefits

(A) Public benefits are superior features in a Planned Development zone that benefit the surrounding neighborhood, or the public in general, to a significantly greater extent than would likely result from development of the site under a Base zone.

(B) All public benefits shall meet the following criteria:

(i) Benefits shall be tangible and quantifiable items;

- (ii) Benefits shall be measurable and able to be completed or arranged prior to issuance of the first certificate of use and occupancy;
 - (iii) Benefits must primarily benefit the surrounding neighborhood or service a critical Countywide need; and
 - (iv) Benefits must significantly exceed applicable standards in [PART 27-6: Development Standards](#).
- (C)** Public benefits may be exhibited in one or more of the following ways:
- (i) Urban design and architecture superior to the high baseline expectation set by this Ordinance, including but not limited to high-quality materials and embellishments on all facades of all buildings, unique and/or signature architectural forms, innovative urban design relationships and placemaking, and demonstrated commitment to superior quality;
 - (ii) Superior landscaping;
 - (iii) Creation and/or preservation of open spaces;
 - (iv) Site planning demonstrating efficient and economical land utilization;
 - (v) Commemorative works and/or provision of public art;
 - (vi) Adaptive reuse of historic sites or resources;
 - (vii) Provision of affordable housing options;
 - (viii) Provision of employment and/or training opportunities;
 - (ix) Incorporation of social services and facilities, including, but not limited to, space dedicated for child or adult day care facilities and/or elderly care facilities available to the general public;
 - (x) Dedicated building space for uses to benefit the public, including, but not limited to, community educational or social development, promotion of the arts or similar programs, and/or business incubation;
 - (xi) Sustainable and environmental benefits to the extent they exceed the standards otherwise required by the County Code, including, but not limited to:
 - (aa) Stormwater runoff controls in excess of those required by Subtitle 32 of the County Code and any other County stormwater management regulation;
 - (bb) Incorporation of environmental site design and other natural design techniques to store, infiltrate, evaporate, treat, and retain runoff in close proximity to where runoff is generated; and/or
 - (cc) Gardens, urban farms, or other on-site food production through permanent and viable growing space and/or structures.
 - (xii) Enhanced streetscape design and maintenance provisions;
 - (xiii) Outdoor children's play areas open to the general public and designed to provide safe, active recreation;
 - (xiv) Multimodal transportation improvements, including, but not limited to, electric vehicle charging stations, the location and funding of bike share stations, commuter services (such as guaranteed ride home services or information on bicycle and car share programs), the construction and maintenance of buffered/separated bike lanes, provision of comprehensive wayfinding signage, provision and maintenance of bus shelters and smart signage, etc.; and
 - (xv) Other public benefits and project amenities that substantially advance the policies, goals, and objectives of the General Plan or the applicable Area Master Plan, Sector Plan, or Functional Master Plans.

(4) PD Conditions of Approval

- (A) The PD Conditions of Approval shall include, but not be limited to:
- (i) Conditions related to approval of the application for the PD zone classification;
 - (ii) Conditions related to the approval of the PD Basic Plan, including any conditions related to the form and design of development shown in the PD Basic Plan;
 - (iii) Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development, in accordance with any Certificate of Adequacy required under [Subtitle 24: Subdivision Regulations](#). The provisions shall include but not be limited to:
 - (aa) Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site and off-site public facilities in compliance with applicable municipal, County, State, and Federal regulations; and/or
 - (bb) The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable municipal, County, State, and Federal regulations.
 - (iv) Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);
 - (v) Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD zone;
 - (vi) Identification of minor deviations not materially affecting the PD zone's basic concept or the designated general use of the land within the zone, that may be approved by the Planning Director in accordance with Section [27-3602\(b\)\(11\)\(G\)](#), Minor Deviations; and
 - (vii) Any other provisions the District Council determines are relevant and necessary to the development of the planned development.
- (B) All Conditions of Approval shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

(5) Development Phasing Plan

If development in the PD zone is proposed to be phased, the PD Basic Plan shall include a development phasing plan that identifies the general sequence or phases in which the zone is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the County's capital improvement program, and how environmentally sensitive lands will be protected and monitored.

(6) Conversion Schedule

The PD Basic Plan may include a conversion schedule that identifies the extent and timing to which one type of use may be converted to another type of use.

(e) Departures for PD Basic Plan

Applicants or landowners may seek minor departures to an approved PD Basic Plan in accordance with the procedures and standards in Section [27-3614](#), Departure (Minor and Major). Major departures to an approved PD Basic Plan may not be sought or granted. Instead, applicants may amend the approved PD Basic Plan in accordance with the procedures and standards established for its original approval (See Section [27-3602](#), Planned Development (PD) Zoning Map Amendment).

(CB-068-2022; CB-015-2024)

27-4303. Transit-Oriented/Activity Center Planned Development Zones

(a) Neighborhood Activity Center Planned Development (NAC-PD) Zone

1. Purposes

The purposes of the Neighborhood Activity Center Planned Development (NAC-PD) Zone are:

- (A) To accommodate and promote the establishment of high-quality, vibrant, lower-to moderate-density, mixed-use development that fosters economic development, reduces automobile dependency, supports walkable areas, and provides opportunities for alternative modes of travel;
- (B) To provide use types and densities/intensities needed to support mixed-use and transit-supportive development (as appropriate);
- (C) To encourage a live, work, shop, and play environment that serves as an economic driver for the County's Neighborhood Centers;
- (D) To include a well-integrated mix of complementary uses, including commercial, personal services, office, and recreation, where appropriate to support residential uses and serve the needs of the surrounding neighborhood;
- (E) To provide multiple, direct, and safe vehicular, bicycle, and pedestrian connections between development;
- (F) To incorporate buildings, open spaces, and other site features that are arranged and designed to create an inviting, walkable, safe, and interactive environment;
- (G) To include distinctive and attractive public spaces that help create an identity and sense of place for the zone; and
- (H) To provide a range of housing options.



2. Use Standards

The specific principal, accessory, and temporary uses allowed in an individual NAC-PD Zone shall be established in the PD Basic Plan (see Section 27-4301(d), General Standards for All Planned Development Zones). Uses shall be consistent with the applicable Area Master Plan or Sector Plan, and the purposes of the NAC-PD Zone.

3. Intensity and Dimensional Standards (1)

Standard (1)	All Uses
Block length, min. max. (ft)	To be established in PD Basic Plan (see Section 27-4301(d))
Lot area, min. max. (sf.)	
Lot width, min. (ft)	
Density, min. (du/ net lot area) (2)	10.00

3. Intensity and Dimensional Standards (1)

Standard (1)		All Uses
Floor area ratio (FAR), min. (3)		0.25
Lot coverage, max. (% of net lot area)		To be established in PD Basic Plan (see Section 27-4301(d))
Density, max. (du/net lot area) (2)		
Floor area ratio (FAR), min. (3)		
Density, min. (du/net lot areas)		
Front yard depth, min. (ft.)		
Build-to line, min. max. (ft.) (4)(5)		
Building width in build-to zone, min. (% of lot width)		
Front yard depth, min. (ft.)		
Side yard depth, min. (ft.)		
Rear yard depth, min. (ft.)		
Building façade transparency, min. (% of street-level façade area) (6)	Abutting or facing a street frontage or pedestrian way	
	Facing a transit station or public gathering space	
Principal structure height, max. (ft.)		

NOTES: sf = square feet; ft. = feet; du = dwelling unit; ac = acre

2. See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards.
3. Applicable to residential development and the residential component of mixed-use development.
4. Applicable to nonresidential development.
5. The area between the minimum and maximum build-to lines that extends the width of the lot, constitutes the build-to zone.
6. The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities using Environmental Site Design techniques, or driveways (subject to Section 27-6206(b)(1)).
7. Where existing buildings along a street frontage are all located behind the build-to zone, such buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line standard and the minimum building width in build-to zone standard.

4. Other Standards

Location Standards	An NAC-PD Zone may only be located on lands within: 2. A Neighborhood Center as designated on the Growth Policy Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time; 3. The Innovation Corridor as designated on the Strategic Investment Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time; or 4. Along that portion of US 1 located south of the Innovation Corridor to the border with Washington, D.C.
Use Mixing	The zone should be designed to provide a mix of residential and nonresidential uses to allow residents to meet more of their daily needs within the zone.
Vertical Mixing of Residential and Nonresidential Uses	The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is encouraged.

4. Other Standards	
Horizontal Mixing of Residential and Nonresidential	The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.
Shopping Centers	Shopping centers shall be a minimum of two stories (multistory).
Blocks and Alleys	The zone shall be laid out in blocks, streets, and alleys, to the maximum extent practicable.
Streets	Streets shall be organized according to a hierarchy based on function, capacity, and design speed. They should terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs should be provided to adjacent open land to provide for future connections. Gated streets are prohibited.
Parking	2. Along any street frontage, all proposed new or additional off-street surface vehicle parking shall be located to the rear or side of the development's principal building(s) or in a parking structure. 3. Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain fewer spaces each and are visually separated by buildings or landscaped swales. 4. All vehicle parking lots and structures shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas.
Private Sidewalks and Private Street Trees	(f) Sidewalks shall be located on both sides of every street with a planting strip between the curb and the sidewalk, as established in the PD Basic Plan. Street trees shall be spaced between 40 and 50 feet on center. (g) Sidewalks along street frontages shall be at least 10 feet wide and shall maintain a pedestrian "clear zone" that is at least 5 feet in width and unobstructed by any permanent or nonpermanent object. (h) At least one walkway from an adjacent sidewalk shall be provided to each pedestrian entrance. (i) Where a sidewalk, greenway path, or other walkway crosses a street, driveway, or drive aisle, the crossing shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar elements.
Connectivity	The internal vehicular, bicycle, and pedestrian circulation system shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal systems of adjoining lots, to the maximum extent practicable.

4. Other Standards

Building Configuration	• Public buildings and uses, including government facilities, cultural facilities, religious institutions, assembly uses, and schools, should serve as focal points and landmarks for the zone and are encouraged to be located on prominent sites. • To the maximum extent practicable, buildings shall be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should have a fairly consistent setback alignment along the street frontage. • Buildings should be designed with a common architectural scheme and landscaping to support that identity. The intent should not be to create a uniform appearance, but rather a distinct sense of place.
Transparency	Where the façade of a principal building other than a single-family detached or two-family dwelling abuts or faces a street frontage with a sidewalk, or a public gathering space, a percentage of the street-level façade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.
Open Space Design	Open space should be designed in a hierarchy of formal and informal spaces and used to enhance activity and identity. Formal open spaces consist of squares, greens, common areas, or other park-like settings where people may gather. Such areas should be bounded by streets and/or buildings. Informal open spaces are encouraged to be located throughout the zone, and take the form of walking paths, greenways, parks, passive recreation areas, and natural areas.