



May 13, 2024

MEMORANDUM

TO: Prince George's County Council Planning, Housing, and Economic Development Committee

FROM: Lakisha Hull, AICP, LEED AP BD+C, Planning Director
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Chad Williams, LEED AP BD+C, Master Planner

SUBJECT: **Additional Proposed Amendments to CB-15-2024**

The purpose of this memorandum is to offer the Planning Department's comments on three potential proposed amendments to CB-15-2024 that were transmitted to the Planning Department for comment on the afternoon of Monday, May 13, 2024. These amendments are not yet found on the CB-15-2024 bill page on Legistar. As always, the Planning Department is happy to assist with any questions or revisions the Committee may wish to discuss.

Bill-Amendment-CB-15-2024.ECO.No4.Outlot.ktz.041224

Description:

This proposed amendment revises a proposed new exemption clause from neighborhood compatibility standards that is contained in CB-15-2024 and which was based on the presence of permanently preserved open spaces, protective easements, or environmental constraints. The proposed amendment adds "publicly owned land" and "outlots" as defined by the Subdivision Regulations to the list of properties that would lead to exemptions from compliance with the neighborhood compatibility standards.

Analysis:

The proposed new exemption language represented in Section 27-61202(b)(2) in CB-15-2024 was the result of collaboration with the Building Industry Association, land use attorneys, and M-NCPPC staff and represents a balanced approach to reasonable exemptions from neighborhood compatibility standards when otherwise triggering Residential properties are constrained by preservation easements or environmental conditions.

Adding "outlots" as defined by the Subdivision Regulations is not an unreasonable addition, because by definition no building or structure may be built on an outlot. However, there is no analysis pertaining to public land – how much public land is in one of the qualifying Residential zones, for example, and how

public ownership of Residential properties may impact neighborhood compatibility standards Countywide.

Recommendation: No position

Proposed Amendment Sheet for CB-15-2024 Clarification on US or State Land Conveyance Procedures 5-10-24

Description: This proposed amendment adds clarity that the required notification for a District Council zoning review of land conveyed to a private entity by the United States or State of Maryland (except University of Maryland property) will be the same notification as that required for District Council Zoning Map Amendment hearings.

Analysis: This proposed amendment is clarifying in nature and is extremely straight-forward, simply requiring that notice for the District Council’s mandatory zoning review of land conveyances from the United States or State of Maryland (except University of Maryland property) be identical to notice required for District Council Zoning Map Amendment hearings.

Recommendation: No position

Proposed Amendment Sheet for CB-15-2024 University of Maryland Conveyance Procedures 5-13-2024

Description: This proposed amendment would restore procedures pertaining to land conveyances from the State of Maryland on behalf of the University of Maryland that CB-15-2024 had proposed to be deleted in favor of consolidation with other State land conveyances. This proposed amendment will also clarify that notice will be provided to municipalities within 1 mile of the subject site, and that the District Council is required to achieve a two-thirds majority on any vote that is counter to the zoning recommendation of the affected municipality in which the land is located.

An additional revision from current law is proposed in the form of an exemption from the automatic rezoning to the ROS (Reserved Open Space) Zone unless a zoning map amendment application has been filed prior to the conveyance for land owned by the University of Maryland that is zoned NAC (Neighborhood Activity Center) and is conveyed between April 1, 2022 and April 1, 2026. Finally, the restored language would be relocated from Section 27-1607 to 27-1604.

Analysis: The proposed consolidation of University of Maryland land conveyances originally contained in CB-15-2024 was intended to streamline procedures and eliminate redundancy and confusion, and a similar zoning review process to that required

by current law for University of Maryland conveyances to private entities is adapted as the proposed zoning review process for United States or State of Maryland conveyances in CB-15-2024.

Restoring the specific procedures that pertain only to University of Maryland properties and incorporating the specific exemptions from those procedures from current law, retains the status quo of the current Ordinance but retains confusing language and exemptions from the automatic rezoning process originally codified as 27-113.04 of the prior Ordinance and incorporated as 27-1607 in the current Ordinance.

Staff have some minor concerns about the proposed addition of the NAC Zone as an exemption from the procedures of current 27-1607. Staff are aware of four locations owned by the University of Maryland and zoned NAC:

- Land containing the Maryland Fire and Rescue Institute located north of Campus Drive just west of the METRO tracks.
- Land containing the quantum computing firm IONQ located south of Campus Drive just west of the METRO tracks.
- Land along Yale Avenue south of Fraternity Row where Hillel is proposed to be relocated.
- The Graduate Gardens apartment complex along Guilford Road.

The NAC exemption could apply to any of these properties. However, the potential impacts of any of these properties remaining NAC upon conveyance to a private entity are mitigated by potential future development being subject to the neighborhood compatibility standards of the Zoning Ordinance.

The proposed conveyance date range between April 1, 2022 (the effective date of the current Ordinance) and April 1, 2026 (the extended deadline for when new applications may use the procedures of the prior Ordinance) also helps mitigate staff concerns about the addition of the NAC zone as an exemption.

The addition of language pertaining to municipal notice and the affected municipality zoning recommendation requiring a two-thirds Council majority to overrule simply reflects current State law. Staff have no concerns about these clauses.

Recommendation:

No position