

Additional Back-up

For

LDR-40-2024

Legislative Drafting Request

LAW OFFICES
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February 27, 2024

The Honorable Peter A. Shapiro
Chair
Prince George's County Planning Board
of the Maryland-National Capital
Park and Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

Re: LDR-40-2024/Ridgley Office Park LLC

Dear Chairman Shapiro:

I represent Ridgley Office Park LLC. Mr. William F. Chesley is the Managing Member and owner of Ridgley Office Park LLC. My client owns certain property located in the northeast quadrant of the intersection of MD 450 and MD 193. The property is presently improved with two office buildings known as the Fairwood Office Park. Certain property within the overall assemblage is currently unimproved. The property in question comprises approximately 1.07 acres and is known as Part of Parcel A, Fairwood Office Park 2. The property is shown depicted on Tax Map 45, Grid E-3. The property is presently zoned CGO under the new Zoning Ordinance.

My client would like to express its concern over proposed changes to the CGO Zone as set forth in LDR-40-2024. My client is proposing a multifamily residential development on the portion of its property which remains undeveloped. My client would like to express his concern over the proposed revision to Section 27-5102(c) relating to residential uses in the CGO Zone. This revision is found on pages 200 and 201 of LDR-40-2024. Presently, the CGO Zone permits multifamily residential uses, residential townhomes and two-family residential dwellings as a matter of right. LDR-40-2024 proposes that multifamily uses, residential townhouses and two-family residential units will be prohibited on

Honorable Peter A. Shapiro
February 27 2024
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property which is zoned CGO and located outside the Beltway. Obviously, my client's property is zoned CGO which is in fact located outside of the Beltway.

We would object to this proposed change for two primary reasons. First, as noted above, my client, like many other property owners of land zoned CGO, proposes to develop plans for a multifamily residential use. I submit that to adopt a Zoning Ordinance and then amend it in such a dramatic fashion is extremely damaging to owners of property zoned CGO.

Second, I submit the proposal to prohibit residential multifamily uses, residential townhomes and residential two family dwellings in the CGO Zone for properties outside the Beltway is contrary to the statutory purposes of the CGO Zone as set forth in Section 27-4203(d). There, the purposes of the CGO Zone are clearly articulated and unequivocally state that the purpose of the Zone is to provide land for "a diverse range of business, civic and mixed use development" and "[T]o accommodate higher-density residential uses as part of vertically or horizontally mixed use development". Clearly, prohibiting the very uses which are encouraged in the CGO Zone on properties outside the Beltway is in direct conflict with the purposes of the Zone itself.

For the reasons set forth hereinabove, we respectfully request that the Planning Board recommend deletion of the provision within LDR-40-2024 which would restrict these uses in the CGO Zone for properties located outside the Beltway.

Very truly yours,

GIBBS AND HALLER



Edward C. Gibbs, Jr.

Additional Back-up

For

LDR-40-2024

Legislative Drafting Request

LDR-40-2024

February 22, 2024

The Hon. Peter Shapiro
Prince George's County Planning Board, Chairman
1616 McCormick Drive
Largo, Maryland 20774

Re.: Omnibus Corrections Bill - Legislative Drafting Request LDR-40-2024
Written Testimony

I am writing to express opposition to some of the proposed changes to the new Zoning Ordinance outlined in LDR-40-2024 that are scheduled for a public hearing on February 22, 2024. We urge you to reject these changes and ask you to consider extending the transitional provisions for a minimum of two years from the April 1, 2024, deadline.

Over the last 14 months, projects in the county have experienced extreme uncertainty and risk due to legislation introduced by the county council. These include bills that would repeal certain zoning text amendments, impose rent stabilization, ban townhomes outside the beltway and activity centers, and limit the number of permits approved in certain tiers outside the beltway. These proposals have created confusion and anxiety among applicants and developers, who have been unable to focus on the pending ordinance changes and plan accordingly.

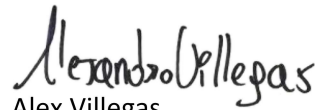
We strongly object to the following proposed changes:

- Multifamily, Townhomes, and two-family dwellings shall only be permitted in the CGO Zone inside the Capital Beltway and shall not be permitted outside the Capital Beltway. This change would undermine the intent of the CGO zone, which is to accommodate higher-density residential uses as part of vertically or horizontally mixed-use development and provide lands for a diverse range of business, civic, and mixed-use development, typically at or near major intersections where visibility and good access are important. Revitalizing shopping centers outside the beltway is not sprawl, it is infill development and redevelopment, exactly what Prince George's County wants and needs. This provision would be detrimental to several good county projects that would provide quality housing and amenities to the residents.
- Deletion of the Elderly housing definition. Elderly housing should be permitted by right in all the residential and mixed-use zones. As the population ages, the demand for elderly housing increases. Allowing elderly housing in all zones ensures that there is enough supply to meet the demand. Inclusivity: Permitting elderly housing in all zones promotes inclusivity and diversity in neighborhoods. It allows seniors to age in place and remain active members of their communities.

We respectfully request that you reject these proposed changes and extend the deadline for the transitional provisions of the new Zoning Ordinance for a minimum of two years. This would allow for more time and opportunity for the stakeholders, the public, and the county officials to review, understand, and adjust to the new Zoning Ordinance, as well as to address any unintended consequences or errors that may arise.

Thank you for your consideration and attention to this matter.

Sincerely,
Rodgers Consulting, Inc.

A handwritten signature in black ink that reads "Alex Villegas". The signature is written in a cursive, flowing style.

Alex Villegas
Senior Principal/Senior Vice President

O'Malley, Miles, Nylan & Gilmore, P.A.

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(1935-2017)

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(1922-2010)

John D. Gilmore, Jr.
(1921-1999)

Nancy L. Slepicka
(1949-2023)

February 20, 2024

Peter Shapiro, Chairman
Prince George's County Planning Board
1616 McCormick Drive
Largo, MD 20774

Re: LDR-40-2024

Dear Mr. Shapiro:

This Firm represents Quantum Companies and other affiliate entities (collectively, "Quantum"), the owner of Beltway Plaza Mall in Greenbelt, and other shopping centers throughout Prince George's County including University Shopping Center in Hyattsville and Chestnut Hills Shopping Center in Beltsville. While Quantum understands and appreciates the technical revisions that are included within LDR-40-2024 to fix mistakes and omissions within the Current Zoning Ordinance, the inclusion of certain substantive amendments is of grave concern, especially the changes to grandfathering and nonconforming use provisions.

Quantum is currently in the midst of transforming Beltway Plaza Mall from an enclosed shopping mall into a mixed-use, walkable urban, suburban center that could help revitalize the MD 193 Corridor. In 2019, Beltway Plaza Mall received Conceptual Site Plan approval in CSP-18010 for 250 two-family and/or single-family attached dwelling units, and up to 2,250 multifamily units as well as a range of 435,000 to 700,00 square feet of commercial development planned through five development phases. In 2020, Beltway Plaza received Preliminary Plan of Subdivision approval in 4-19023 for 2,500 multifamily units and a maximum of 700,000 square feet of commercial space on 55 parcels. In 2021, Quantum received detailed site plan approval in DSP-20020 for Phase 1 that included 750 multifamily residential units, a hotel, and recreation center.

Because redevelopment began prior to enactment of the Current Zoning Ordinance, redevelopment of Beltway Plaza Mall was and continues to be processed in accordance with the provisions of the Mixed-Use-Infill (M-U-I) Zone. Continued redevelopment of Beltway Plaza was assured by Maryland-National Capital Park and Planning Commission Staff and the Prince George's County Council that development under the Prior Zoning Ordinance would be allowed to continue in accordance with the Prior Zoning Ordinance and that upon full build-out the development would

be “deemed conforming” or “not nonconforming.” This position was codified under § 27-1704(d) of the Current Zoning Ordinance.

LDR-40-2024 breaks this of-repeated promise that was made to Quantum, as well as the development community at-large. While development may continue to be reviewed and approved under the Prior Zoning Ordinance, it would now be subject to nonconforming use, building and structure provisions under Part 7 of the Current Zoning Ordinance. Any use allowed or approved under the Prior Zoning Ordinance, but not allowed in the current zone will become a nonconforming use on April 1, 2032. Buildings and structures constructed pursuant to the Prior Zoning Ordinance, which are not in conformance with zoning requirements under the Current Zoning Ordinance will be legal conforming buildings, but subject to certain redevelopment thresholds and continuity requirements.

This drastic change to vested rights will have substantial negative impacts on development under review in accordance with the Prior Zoning Ordinance in the present and for years to come. If LDR-40-2024 is adopted as drafted, it will jeopardize financing for the continued redevelopment of Beltway Plaza Mall because unnecessary confusion is instilled into the process. Under the current provisions of § 27-1704(d), there is assurance that the buildings, structures and uses can continue to exist as legal conforming buildings and uses not subject to nonconforming requirements. Under LDR-40-2024, investment into Beltway Plaza Mall becomes riskier because it is no longer clear whether the redevelopment will be allowed to legally exist.

The proposed changes to grandfathering and nonconforming uses, buildings and structures must be removed from LDR-40-2024. Such drastic and substantive changes should not have been imposed through an omnibus bill that was created to remedy technical mistakes or omissions to the Current Zoning Ordinance. An omnibus bill is meant to clean-up mistakes in the development process, not just for members of the development community, but also regulatory agencies, County Councilmembers and the general public.

For these reasons, we respectfully request that the Planning Board recommend removing nonconforming provisions from LDR-40-2024 because such substantive amendments should be part of a separate legislation. Thank you for your kind attention to the above. With best regards, I remain

Very truly yours,



Nathaniel Forman

cc: Mr. Fred Wine
Mr. Kap Kapastin
Quantum Companies

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February 20, 2024

The Honorable Peter A. Shapiro
Chair
Prince George's County Planning Board
of the Maryland-National Capital Park
and Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

Re: LDR-40-2024

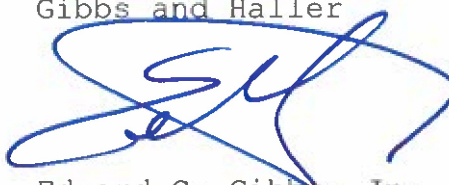
Dear Chairman Shapiro:

We represent several clients with concerns regarding the proposed revisions to the transitional provisions contained in LDR-40-2024. Several members of the Land Use Bar and the Maryland Building Industry Association ("MBIA") have engaged in meetings with representatives of the Maryland-National Capital Park and Planning Commission to discuss our concerns about the proposed changes to the transitional provisions. Attached hereto is proposed new transitional provision language for consideration by the Planning Board. These proposed revisions have been reviewed by and endorsed by the MBIA. The fundamental goal of the proposed language is to ensure that property owners who invested money in Prince George's County and constructed developments under the prior Zoning Ordinance are not harmed by the adoption of the new Zoning Ordinance. Included in this goal is the ability to make reasonable modifications to properties developed under the prior Zoning Ordinance even if they do not conform to all the requirements of the current Zoning Ordinance.

Thank you for the opportunity to provide the proposed language and present our testimony.

Very truly yours,

Gibbs and Haller

A handwritten signature in blue ink, appearing to be "E. Gibbs, Jr.", written over the printed name.

Edward C. Gibbs, Jr.

A handwritten signature in blue ink, appearing to be "T. Haller", written over the printed name.

Thomas H. Haller

Enclosure

February 22, 2024

Hon. Peter A. Shapiro
Chair, Prince Georges County Planning Board
1616 McCormick Drive
Largo, Maryland 20774

Re: Support Transitional Provision in new Zoning Ordinance

Dear Chairman Shapiro,

The Maryland Building Industry Association (MBIA) is writing in support of the attached revisions to the Transitional Provisions in the new Zoning Ordinance.

These revisions are necessary to address significant concerns of the development community as the current Transitional Provisions fail to provide appropriate clarity and assurances that “grandfathered” projects can rely upon the appropriate provisions of the prior Zoning Ordinance and be deemed legal uses. Specifically, the attached version of the revised Transitional Provisions, which have been vetted by MBIA in two separate internal meetings, represent an attempt to address and remove the M-NCPPC Staff proposal (found in CB-073-2023 DR-2) to have projects developed under the prior Zoning Ordinance fall into the provisions dealing with nonconforming uses. The attached version also includes new language to specifically address the grandfathering of large projects developed under the prior Zoning Ordinance.

Again, MBIA supports the attached version of the Transitional Provisions because it creates clarity in the Zoning Ordinance, which, after all, was a stated goal of the new Zoning Ordinance. Keeping the transitional provisions and associated “grandfathering” clear and simple will be of tremendous benefit to Prince George’s County staff, residence, landowners, and development community alike.

We appreciate your consideration and support of these proposed changes. Should you have any questions or concerns please do not hesitate to contact me.

Sincerely,

Griffin Benton – 202-815-4239
Vice President
Maryland Building Industry Association

SUBTITLE 27. ZONING.

PART 27-1 GENERAL PROVISIONS

SECTION 27-1700 TRANSITIONAL PROVISIONS

27-1701. Purpose and Intent.

Notwithstanding the provisions set forth within this Part, the District Council finds that there is a need to apply certain procedures, regulations, zones, uses, and/or other aspects embodied within the prior Zoning Ordinance (being also Subtitle 27, Prince George's County Code, 2019 Edition) for the purpose of allowing the owners of properties with development and/or development applications of any type approved and/or constructed under the prior Zoning Ordinance, including development applications approved pursuant to the provisions of Section 27-1900, Development Pursuant to Prior Ordinance, to proceed to utilize the prior Zoning Ordinance as "grandfathered" developments. In addition, until April 1, 2032, the owners of properties subject to this Section 27-1700 shall be entitled to obtain use and occupancy permits for uses permitted in the zones under which their properties were subject on March 31, 2022 and to make revisions or amendments as further provided herein.

* * * * *

27-1703. Applications Pending Prior to the Effective Date of this Ordinance

Notwithstanding any other provision set forth below, all development applications, including permit applications, pending prior to the effective date of this Ordinance are subject to Section 27-1706.

(a) Any development application, including a permit application or an application for zoning classification, that is filed and accepted before April 1, 2022, but still pending final action as of that date, shall be reviewed and decided in accordance with the Zoning Ordinance and Subdivision Regulations in existence at the time of the submission and acceptance of the application. An application for zoning classification decided after the effective date of this Ordinance must result in a zone set forth within this Ordinance. If the application expires prior to being approved, future development shall be subject to the requirements of this Ordinance unless it is refiled in accordance with Section 27-1903(a).

(b) If the development application is approved, the development approval or permit shall remain valid for the period of time specified in the Zoning Ordinance under which the application was reviewed and approved. Extensions of time available under the prior Zoning Ordinance and Subdivision Regulations remain available. If the approval is for a Conceptual Site Plan (CSP), special permit, Comprehensive Sketch Plan, or Comprehensive Design Plan (CDP), the approved CSP, special permit, Comprehensive Sketch Plan, or CDP shall remain valid for twenty (20) years from April 1, 2022 or the date of its approval, whichever is later, and any applications for subdivision or any zoning approval submitted under the CSP or CDP during this time period shall be reviewed under the Subdivision Regulations in existence at the time of the approval of the CSP or CDP.

(c) Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the prior Zoning Ordinance and prior Subdivision Regulations.

(d) Once constructed, pursuant to a development application or permit approved under the prior Zoning Ordinance or prior Subdivision Regulations, all buildings, uses, structures, or site features will be legal and conforming, are “grandfathered” and subject to the provisions of Section 27-1708.

(e) An applicant may elect at any stage of the development review process to have the proposed development reviewed under this Ordinance. If the applicant desires to utilize an approval under the prior Zoning Ordinance and/or the prior Subdivision Regulations, any new application under this Ordinance shall conform with all prior applicable conditions of approval. If no approval under the prior Ordinance is proposed to be utilized, any future applications shall only be subject to the requirements of this Ordinance.

(f) Notwithstanding Sections 27-1703(a) through (f), above, any pending Conceptual Site Plan (CSP) or Detailed Site Plan (DSP) application incorporating a request to change the boundary of an approved Transit District Overlay Zone (TDOZ) or Development District Overlay Zone (DDOZ) or change the underlying zones in a TDOZ or DDOZ must result in a zone set forth within this Ordinance. Any pending CSP or DSP application seeking only to change the list of allowed uses, building height restrictions, and/or parking standards may continue to be processed and is not subject to the tolling procedures specified in Part 19 of the prior Zoning Ordinance.

(g) Any ongoing Functional Master Plan, Area Master Plan, or Sector Plan, and any ongoing Sectional Map Amendment, initiated under the prior Zoning Ordinance may proceed to be prepared, adopted, and approved under the Zoning Ordinance regulations under which such plan(s) and Sectional Map Amendment(s) were initiated.

* * * * *

27-1704. Projects Which Received Development or Permit Approval Prior to the Effective Date of this Ordinance.

Notwithstanding any other provision set forth below, all development applications, including permit applications, pending prior to the effective date of this Ordinance are subject to Section 27-1706.

(a) Except for a zoning map amendment (ZMA) of any type, development approvals or permits of any type approved under prior Zoning Ordinance or prior Subdivision Regulations prior to April 1, 2022 remain valid for the period of time specified in the prior Zoning Ordinance or prior Subdivision Regulations. Extensions of time which were available in the prior Zoning Ordinance or prior Subdivision Regulations shall remain available. If the approval is for a CSP, special permit, Comprehensive Sketch Plan, or CDP, it shall remain valid for twenty years from April 1, 2022 or the date of its approval, whichever is later, except for a CSP as to a Waterfront

Entertainment Complex use, which shall remain valid indefinitely. In addition, a Basic Plan approved prior to the effective date of this Ordinance is grandfathered and can be amended.

(b) Unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the prior Zoning Ordinance and prior Subdivision Regulations. For purposes of this Subsection, a property which has obtained approval of a stormwater management concept plan and a grading permit in accordance with Subtitle 32 of this Code, for which no development approval pursuant to the prior Zoning Ordinance or prior Subdivision Regulations is required, may proceed to obtain a building permit under the Zoning Ordinance in effect at the time the Subtitle 32 approvals were obtained. The Planning Director shall report to the County Council, at intervals no less than quarterly, a report of all development activity within the County.

(c) If the development approval or permit expires or is revoked (i.e., for failure to comply with the terms and conditions of approval), any subsequent development of the land shall be subject to the procedures and standards of this Ordinance, unless it is refiled in accordance with Section 27-1903(a).

(d) Development approvals or permits of any type approved under prior Zoning Ordinance or prior Subdivision Regulations or otherwise subject to this Section are “grandfathered” and all buildings, uses, structures, or site features are deemed legal and conforming, and subject to the provisions of Section 27-1708. Notwithstanding the provisions in this Section, if the development approval is for a CSP, special permit, Comprehensive Sketch Plan, or CDP, development approvals shall have access to and utilization of the prior Zoning Ordinance and prior Subdivision Regulations until April 1, 2042 or until the property is rezoned pursuant to a Zoning Map Amendment (Section 27-3601) or Planned Development Zoning Map Amendment (Section 27-3602), whichever occurs first. All other development approvals shall have access to and utilization of the prior Zoning Ordinance and prior Subdivision Regulations until April 1, 2032 or until the property is rezoned pursuant to a Zoning Map Amendment (Section 27-3601) or Planned Development Zoning Map Amendment (Section 27-3602), whichever occurs first.

(e) Subsequent revisions or amendments to development approvals or permits “grandfathered” under the provisions of this Section shall be reviewed and decided under the prior Zoning Ordinance, unless the applicant elects to have the proposed revision or amendment reviewed under this Ordinance in accordance with subsection (f) below. If the applicant desires to utilize an approval under the prior Zoning Ordinance and/or the prior Subdivision Regulations, any new application under this Ordinance shall conform with all prior applicable conditions of approval. If no approval under the prior Ordinance is proposed to be utilized, any future applications shall only be subject to the requirements of this Ordinance. Notwithstanding the requirements of Sections 27-289 and 27-325 of the prior Zoning Ordinance, revisions or amendments to such “grandfathered” development approvals or permits may construct one or more electric vehicle charging stations subject to the review and approval of the DPIE Director.

(f) An applicant may elect at any stage of the development review process to have the proposed development reviewed under this Ordinance. If the applicant desires to utilize an approval under the prior Zoning Ordinance and/or the prior Subdivision Regulations, any new application under this Ordinance shall conform with all prior applicable conditions of approval. If no approval under the prior Zoning Ordinance and/or the prior Subdivision Regulations is proposed to be utilized, any future applications shall only be subject to the requirements of this Ordinance.

(g) Property in the LCD Zone may proceed to develop in accordance with the standards and procedures of the prior Zoning Ordinance, subject to the terms and conditions of the development approvals which it has received.

(h) Property in the LMXC Zone may proceed to develop in accordance with the standards and procedures of the prior Zoning Ordinance, subject to the terms and conditions of the development approvals which it has received.

(i) Property in the LMUTC Zone may proceed to develop in accordance with the guidelines and standards of the specific Mixed-Use Town Center Development Plan in which the property is located. Except as modified by Section 27-4205(e) of this Ordinance, the procedures of the prior Zoning Ordinance, including procedures relating to variance approvals and secondary amendments, shall also apply to property in the LMUTC Zone as appropriate.

(j) If a building permit authorized by an approved special exception was issued prior to October 16, 1975, existing development may continue and new development may proceed in accordance with that special exception approval, regardless of whether there is an approved application in the record. A graphic illustration of the actual development pursuant to the approval is considered the application.

(k) Property which was in the M-X-T Zone may proceed to develop in accordance with the standards and procedures of the prior Zoning Ordinance and this Section, subject to the terms and conditions of the development approvals it has received.

(l) Notwithstanding the provisions specified within this section, no tobacco shop, electronic cigarette shop, or retail tobacco business that sells tobacco or electronic cigarette products for offsite use may be approved if it is located within a five-mile radius of another tobacco shop, electronic cigarette shop, or retail tobacco business that also sells tobacco or electronic cigarette products for offsite use.

(m) Any assemblage of properties abutting the inside of the Capital Beltway (I-95/I-495) that were rezoned from the M-X-T Zone to the IE (Industrial, Employment) Zone pursuant to the Countywide Sectional Map Amendment (CMA) may elect to develop under the provisions of this Ordinance for development in the CGO (Commercial, General and Office) Zone.

(n) Notwithstanding any other provision in this Ordinance to the contrary, the following shall apply to large projects as hereinafter defined:

(1) Projects zoned M-X-T (Mixed Use Transportation Oriented) under the prior Zoning Ordinance which were developed and constructed with at least 500,000 gross square feet of commercial floor area improvements on or before March 31, 2022 (and which have entitlements authorizing additional commercial and/or residential uses); or

(2) Projects zoned M-X-T (Mixed Use Transportation Oriented) under the prior Zoning Ordinance with an approved Conceptual Site Plan(s), Preliminary Subdivision Plan(s), Detailed Site Plan(s) and/or Final Record Plat(s) consisting of more than four hundred (400) residentially zoned lots or dwelling units or more than one hundred and fifty (150) gross acres of land designated for nonresidential uses, or both, which was/were valid on or before March 31, 2022.

Such projects may, during the entire validity period of the project's Conceptual Site Plan(s), continue to complete the development and/or make revisions or amendments thereto, which may include site modifications, expansions, building reconstruction (but not to include reconstruction of the entire project) and a change in occupancy or ownership. During the period while the Conceptual Site Plan remains valid, the project shall also have access to the use table of the M-X-T Zone of the prior Zoning Ordinance for any purpose including use and occupancy permits for new tenants of any type. Revisions or amendments may include revisions or amendments to the approved Conceptual Site Plan(s), Preliminary Subdivision Plan(s) and/or Detailed Site Plan(s).

Upon expiration of the Conceptual Site Plan(s), all buildings, structures and site elements either constructed or approved for construction pursuant to approved Detailed Site Plans shall remain legal and conforming and shall not be subject to the provisions of Part 27-7 of the current Zoning Ordinance. The approved Detailed Site Plans shall constitute the approved development plans for that portion of the project and the buildings, structures and site elements shall not be required to conform to development regulations of the current Zoning Ordinance and/or the current Subdivision Regulations. Only the land areas within a project as defined under (1) and (2) above, and which are proposed for future development shall be required to conform to the provisions of the current Zoning Ordinance and/or current Subdivision Regulations.

* * * * *

27-1707. Validate Any Existing or Approved Buildings, Structures or Site Features.

Notwithstanding any other provision of this Ordinance to the contrary, at the time that any development ceases to be protected by any grandfathering provision contained herein, such development may file and process a departure from any use specific standard or any other applicable development standard or regulation in order to validate any existing or approved buildings, structures or site features.

* * * * *

27-1708. Grandfathered Buildings, Structures, and Uses.

Notwithstanding any other provision of this Ordinance to the contrary, at the time that any development ceases to be protected by all grandfathering provision contained herein,

(a) A legal nonconforming building, structure, or use in existence under the prior Zoning Ordinance on March 31, 2022, which is not in conformance with the requirements of the zone in which it is located under this Ordinance on April 1, 2022 remains a legal nonconforming building, structure, or use and shall be subject to the requirements of this Section.

(b) A legal conforming building, structure, or use in existence under the prior Zoning Ordinance on March 31, 2022 which is not in conformance with the requirements of the zone in which it is located under this Ordinance on April 1, 2022, or a building or structure constructed pursuant to development applications approved under Sections 27-1703, 27-1704, or 27-1900 of this Ordinance which is not in conformance with the requirements of the zone in which it is located at the time the building or structure is entitled to issuance of a use and occupancy permit, shall be a legal conforming building, structure, or use under this Ordinance.

(1) Such legal conforming buildings and structures:

- (A) May be repaired or maintained,
- (B) May be altered, extended, or enlarged by the lesser of 10% of the gross square footage or 30,000 gross square feet without approval of a Detailed Site Plan, provided the alteration, extension, or enlargement conforms to the building line setback or build-to line, yard, and height regulations of the zone in which the building, structure, or use was located prior to April 1, 2022, and
- (C) May be restored or reconstructed if unintentionally destroyed by fire or other calamity if a building permit for such restoration or reconstruction is issued within (2) two calendar years from the date of destruction, and construction pursuant to the permit has begun within (6) six calendar months after the date of issuance (or lawful extension of the permit and proceeds to completion in a timely manner.

(2) Such legal conforming uses:

- (A) May not be discontinued for a period exceeding three years unless either:
 - (i) The building or structure in which the use is being conducted is being restored or reconstructed pursuant to Section 27-7102(c)(1)(C);
 - (ii) The Planning Board determines upon written request that the conditions of nonoperation were beyond the control of the person who was in control of the property during the period of nonoperation; or

(iii) The discontinuation is for the sole purpose of correcting Code violations; and

(B) Shall remain subject to all conditions applicable to such use under the prior Zoning Ordinance including any conditions of approval associated with an approved Special Exception.

(c) Any alteration, extension or enlargement which exceeds 10% of the gross square footage or 30,000 square feet shall require approval of a Detailed Site Plan. The Detailed Site Plan shall include regulations pertaining to the height of structures, lot size and coverage, frontage, setbacks, density and any other requirements related to the property or project applicable to the development. Upon approval of the Detailed Site Plan, the regulations shown on the approved site plan shall constitute the regulations for the property or project and shall guide any future modifications or revisions. The Detailed Site Plan shall be approved in accordance with Section 27-3605(e)(9).

* * * * *

Section 27-2500 Definitions

Nonconforming building or structure

Any “building” or “structure” which is not in conformance with a requirement of the zone in which it is located (as it applies to the “building” or “structure”), provided that:

- (A) The requirement was adopted after the “building” or “structure” was lawfully erected; or
- (B) The “building” or “structure” was erected after the requirement was adopted and the District Council has validated a building, use and occupancy, or sign permit issued for it in error.
- (C) Any building used exclusively for residential purposes, containing not more than three (3) dwelling units, and which was constructed prior to November 29, 1949, shall not be deemed a nonconforming building or structure.
- (D) Any building or structure deemed legal and conforming pursuant to Section 27-1703, Section 27-1704 and/or Section 27-1708 shall not be considered nonconforming under this Ordinance.

Nonconforming use

- (A) The “use” of any “building,” “structure,” or land which is not in conformance with a requirement of the zone in which is it located (as it specifically applies to the “use”), provided that:
 - (i) The requirement was adopted after the “use” was lawfully established; or
 - (ii) The “use” was established after the requirement was adopted and the District Council has validated a building, use and occupancy, or sign permit issued for it in error.

(B) The term shall include any “building,” “structure,” or land used in connection with a “nonconforming use,” regardless of whether the “building,” “structure,” or land conforms to the physical requirements of the zone in which it is located.

(C) Any use of any building, structure or land deemed legal and conforming pursuant to Section 27-1703, Section 27-1704 and/or Section 27-1708 shall not be a nonconforming use under this Ordinance.

* * * * *

Section 27-3605(e)(9):

(e) Detailed Site Plan Decision Standards

A detailed site plan may only be approved upon a finding that all of the following standards are met:

(9) Notwithstanding any other provision in this Section to the contrary, in determining whether to approve an alteration, extension or enlargement of a legal conforming building, structure or use filed in conformance with Section 27-1708(c), the Planning Board shall find that that the proposed alteration, extension or enlargement will benefit the development and will not substantially impair implementation of any applicable Master Plan or Sector Plan.

* * * * *

27-3614. Departure (Major or Minor)

* * * * *

(g) Notwithstanding anything herein to the contrary, if a departure (major or minor) is filed for the sole purpose of validating a use or development approved and/or constructed under the prior Zoning Ordinance or Subdivision Regulations, the Planning Board or Planning Director, as appropriate, need not find compliance with (f) above; rather the Planning Board or the Planning Director need only find that the use or development was constructed in conformance with the applicable standards contained in the prior Zoning Ordinance or Subdivision Regulations.

* * * * *

27-3601. Zoning Map Amendment (ZMA)

* * * * *

(e) Zoning Map Amendment (ZMA) Decision Standards

In determining whether to adopt or disapprove a proposed zoning map amendment (ZMA), the District Council may consider many factors. No amendment to the CBCAO Zone shall be granted without the applicant demonstrating conformance with the decision standards in Section 27-3603(d), CBCAO Zoning Map Amendment Decision Standards. No other zoning map amendment shall be granted without the applicant demonstrating either:

- (1) There has been a substantial change in the character of the neighborhood; or
- (2) There was a mistake in the original zone for the land subject to the amendment which has never been the subject of an adopted sectional map amendment;
- (3) There was a mistake in the current sectional map amendment; or
- (4) There was a mistake in assigning the zone to a property in the Countywide Map Amendment adopted pursuant to CR-136-2021. A mistake may include a determination that the Countywide Map Amendment did not assign a property the most similar zone as that which it was previously zoned.

* * * * *

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JUSTIN S. KORENBLATT

February 15, 2024

The Honorable Peter A. Shapiro
Chair
Prince George's County Planning Board
of the Maryland-National Capital Park
and Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

Re: LDR-40-2024

Dear Chairman Shapiro:

I represent Centerpark Three LLC regarding land it owns located at 4081 Powder Mill Road in Beltsville, Maryland (the "Subject Property"). The Subject Property is located within the Centerpark Office complex. On behalf of the owner, I am requesting that the Planning Board favorably consider proposed amendments to LDR-40-2024, also known as the Omnibus Corrections Bill. Specifically, we are requesting that restrictions on certain residential development in the CGO Zone be removed and that a Neighborhood Compatibility definition be clarified.

As noted above, the Subject Property is located within the Centerpark Office complex, which is located at the interchange of I-95 and Powdermill Road. This development consists of four buildings constructed in the mid-1980's and early 1990's. The development includes two office buildings, a hotel and a movie theatre. The Subject Property is improved with a parking lot which has historically been used by the movie theater. However, changes to the movie theater industry have resulted in two-thirds of the seats being removed, reducing the need for parking dramatically. In addition, the office buildings in the complex suffer from high vacancy rates and one of the office buildings was recently the subject of a foreclosure sale. With work from home becoming more common, fewer employees visit the property five days a week, resulting in a surplus of parking. In fact,

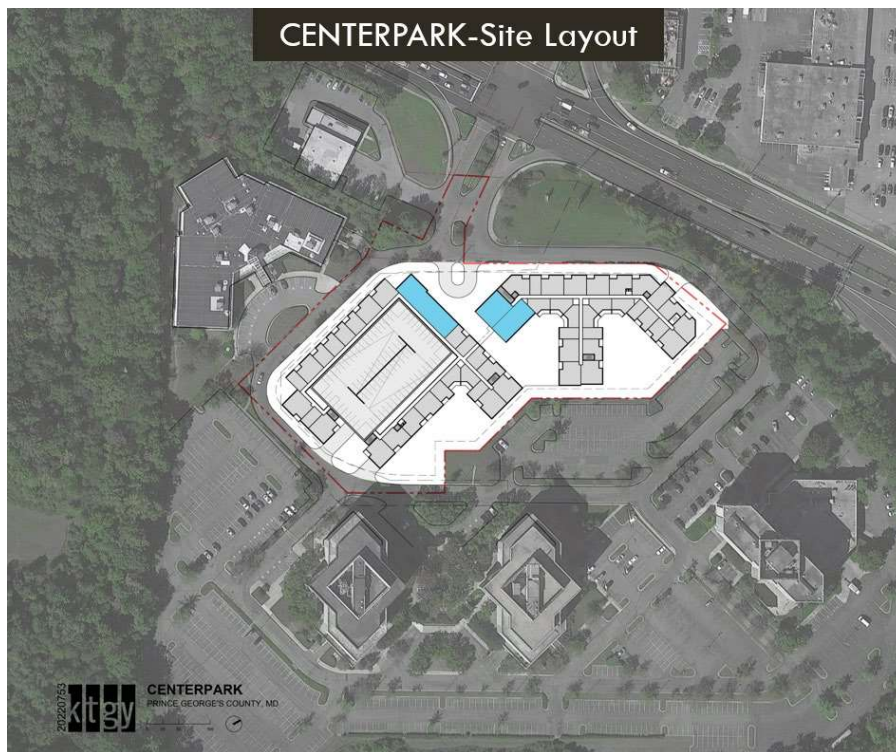
parking on the Subject Property sits empty much of the time. The lack of activity also creates security concerns. A copy of an aerial photo is below with the property outlined in red and the office park outlined in blue. As can be seen, the property represents a classic infill development opportunity.



Under the prior Zoning Ordinance, Centerpark was zoned C-O and C-S-C, but was rezoned to the CGO Zone by the Countywide Map Amendment. The CGO zone permits multifamily residential, townhouse and two-family dwellings, which were not generally permitted in the C-O or C-S-C zones. My client was excited at the prospect of introducing residential use to the office park as it would create a twenty-four-hour environment. Converting an unused surface parking lot to a multifamily project with structured parking would help revitalize the project and provided "eyes on the street" to create a safer environment.

In reliance on the additional use flexibility provided in the CGO zone, my client sought to determine whether there was market interest in the Subject Property by a residential developer and found that there was strong interest. My client entered into a contract with Vista Acquisitions, LLC to construct a multifamily project containing 275 dwelling units. Vista Acquisitions, LLC is an experienced owner/developer of Class A multifamily residential projects. The proximity of the property to I-95, the Innovation Corridor and the strong job market which exists in this area were all factors in attracting a quality developer to the project. After entering into a contract, the purchaser engaged an engineer to conduct due diligence and also began the development approval process,

including a Neighborhood Meeting required by the new Zoning Ordinance. The concept plan shared by the contract purchaser is below:



Again, as can be seen, the proposed development would be integrated within the surrounding office park, a suitable infill development.

On Pages 200 and 201, LDR-40-2024 proposes to amend Section 27-5102(D), 27-5102(F) and 27-5102(G) to prohibit multifamily, townhouses or two-family dwellings in the CGO zone outside the Capital Beltway. A copy of these two pages is attached with the new language highlighted in yellow. As a result of this proposed revision, the contract purchaser has terminated the contract, leaving my client with very few options to revitalize the office park. While the property is not located inside the Capital Beltway, it is at a major interchange within two miles of the Beltway. Redevelopment of a site within an existing office park located at a major interchange with a multifamily use cannot be considered suburban sprawl development. Amending the Zoning Ordinance in this manner less than two years after it has taken effect is extremely frustrating to property owners who have pursued development opportunities created by the new Zoning Ordinance. Property owners have been encouraged to embrace and utilize the new Zoning Ordinance, but this proposed amendment does not instill a willingness to do so. My clients would urge the Planning Board to recommend that LDR-40-2024 be amended to

remove the added language which would prohibit the development of multifamily, townhouses and two-family dwellings in the CGO Zone outside the Capital Beltway. In the alternative, if there is a true concern about encouraging sprawl, we would request that the prohibition not be applicable to infill or redevelopment opportunities within exiting developments.

In addition to the concern about prohibiting residential uses, another concern was encountered by the contract purchaser that we would request be addressed. Specifically, Section 27-61203 of the Zoning Ordinance contains Neighborhood Compatibility Standards. Section 27-61203(a) imposes maximum height limits where proposed multifamily dwellings are in proximity to single-family dwellings, two-family dwellings or vacant land in a single-family zone. Footnote 1 to Table 27-61203(a)(2) provides guidance on how to measure the distance from the adjacent dwelling but does not provide guidance as to what the distance is measured to. We request that the Planning Board recommend a minor amendment to Footnote 1 to clarify that that distance from a single-family dwelling, two-family dwelling or vacant land in a single-family zone is "measured to the nearest dwelling on the developing property". Without this clarification, it could be interpreted that the distance be measured to the nearest property line. In cases where no structures are proposed close to the property line, such an interpretation could impact the viability of a proposed development, and there is no ability to obtain a departure from this Design Standard. For the Subject Property, the height of the proposed residential building could be limited to three stories when it is surrounded by office buildings and a hotel which are 6-9 stories in height. I have attached to this letter a copy of the proposed amendment with the additional language in red and underlined.

Thank you for the opportunity to comment on the proposed legislation. Please let me know if you have any questions.

Very truly yours,

GIBBS AND HALLER



Thomas H. Haller

cc: Derick Berlage
Chad Williams

Enclosure

(vii) The farm-based alcohol production use shall be compatible with the [rural] character of the farm and the surrounding area.

* * * * *

(c) Residential Uses

(1) Household Living Uses

* * * * *

(D) Dwelling, Multifamily

(i) In the CGO Zone:

(aa) Multifamily dwellings shall only be permitted in the CGO Zone inside the Capital Beltway and shall not be permitted outside the Capital Beltway.

(ii) In the CN Zone:

A building that contains a ground floor retail sales and service use and one or more multifamily dwellings located on or above the second floor shall comply with the following standards:

[(i)](aa) All required off-street parking shall be provided on the side or rear of the building.

[(ii)](bb) Front building façades of more than 60 feet in length shall be articulated into a series of evenly-spaced storefronts to increase visual interest and pedestrian orientation. Such buildings shall incorporate two or more of the following design elements on each façade visible from a street:

[(aa)](I) Changes in wall plane (such as projections or recesses) with an offset or depth of at least one foot, and a width of at least ten feet, located a minimum of every 30 feet;

[(bb)](II) Distinct changes in texture and color of wall surfaces;

[(cc)](III) Variations in roof form and parapet heights;

[(dd)](IV) Vertical accents or focal points; or

[(ee)](V) Features such as arcades, display windows, entry areas, or awnings.

[(iii)](cc) New buildings shall use a pitched roof or a sloped parapet. A flat roof may only be permitted for new buildings located between two existing buildings with flat roofs.

[(iv)](dd) Drive-through service is prohibited as an accessory use.

* * * * *

(F) Dwelling, Townhouse

(i) Townhouse dwellings in the CGO Zone shall only be permitted inside the Capital Beltway and shall not be permitted outside the Capital Beltway.

(G) Dwelling, Two-Family

(i) Two-family dwellings in the CGO Zone shall only be permitted inside the Capital Beltway and shall not be permitted outside the Capital Beltway.

(d) Public, Civic, and Institutional Uses

(1) Communication Uses

(A) Antenna

(i) Any telecommunication equipment building related to the antenna shall have no more than 560 square feet of gross floor area and shall be screened by means of opaque landscaping and/or berming in accordance with Section 27-6500, Landscaping.

(ii) Antennae associated with small wireless facilities within the public right-of-way are exempt from the regulations of this Subsection and instead are subject to the requirements of Subtitle 5A, Cable Television and Telecommunications, of the County Code.

(B) Tower, Pole, or Monopole

(1) A tower, pole, or monopole for the support of an antenna (electronic, radio, television, transmitting, or receiving) may be permitted, subject to the following:

(A) In the IE and IH zones, the structure shall generally be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base). The District Council may reduce the setback to no less than one-half (1/2) the height of the structure based on certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County;

(B) On privately owned land, the structure shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes;

(C) Any tower or monopole which was originally used, but is no longer used, for telecommunications purposes for a continuous period of one (1) year shall be removed by the tower or monopole owner at the owner's expense; and

(D) Any related telecommunication equipment building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.

(5) Transportation Uses

(A) Parking Facility

(i) Parking of motor vehicles shall be the primary use of the facility. Except as otherwise expressly provided in this Ordinance, no other business shall be conducted in the parking

27-61203. Neighborhood Compatibility Standards

Development subject to this Section shall comply with the following standards:

(a) Building Height and Setbacks

- (1) Setbacks of buildings shall be consistent with other buildings on the block face to maintain a consistent plane or edge of buildings along public frontages. Instead of the required setback or build-to line of the zone, setbacks of buildings shall vary no more than 15 percent from the setbacks of adjacent buildings.
- (2) Building height shall not exceed the maximum height established in Table 27-61203(a)(2): Maximum Height in Transitional Areas.

Table 27-61203(a)(2): Maximum Height in Transitional Areas			
Distance from Single-Family Dwelling, Two-Family Dwelling, or Vacant Land in a Single-Family Zone (1)	Maximum Height		
	Parcels Fronting US 1 Between the Northern Corporate Boundaries of the City of College Park and the County's Boundary with the District of Columbia, and Parcels Fronting 34th St between Shepherd St and Otis St	All Other Areas	Parcels fronting Central Avenue /East Capitol Street (MD 214) or Old Central Avenue/Central Avenue (MD 332) Between the County's Boundary with the District of Columbia and Landover Road/Largo Road (MD 202)
	50 feet or less	Lesser of: 3 stories or 35 feet	Lesser of: 7 stories or 80 feet
	Greater than 50 feet but less than 150 feet	Lesser of: 6 stories or 65 feet	
	150 to 200 feet	No requirement	
NOTES:			
(1) The distance from an existing single-family dwelling, two-family dwelling, townhouse, or vacant land in a single-family zone is to be measured from the closest portion of the dwelling (in the case of single-family and two-family dwellings and townhouses) or from the minimum front yard setback line (in the case of vacant land) to the nearest dwelling on the developing property.			

- (3) Buildings over three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to single-family dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone (see Figure 27-61203(a)(3): Building Height Modulation).

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JUSTIN S. KORENBLATT

February 15, 2024

The Honorable Peter A. Shapiro
Chair
Prince George's County Planning Board
of the Maryland-National Capital Park
and Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

Re: LDR-40-2024

Dear Chairman Shapiro:

I represent SH Brandywine LLC regarding land it owns located at 15801 General Lafayette Boulevard, Brandywine, MD 20613 (the "Subject Property"). General Lafayette Boulevard is part of the spine road located on the west side of MD 301, but is not yet fully constructed. SH Brandywine LLC will be extending the road to serve the Subject Property. On behalf of the owner, I am requesting that the Planning Board favorably consider several amendments to LDR-40-2024, also known as the Omnibus Corrections Bill. Specifically, we are requesting that the Neighborhood Compatibility Standards be modified. Attached hereto are proposed revisions to the applicability and to the Standards themselves. The bolded and underlined language in blue are revisions currently proposed in LDR-40-2024. The bolded and underlined language in red are revisions which are being requested.

SH Brandywine LLC is the owner of a subdivision known as the Enclave at Brandywine. Under the prior Zoning Ordinance, this property was zoned R-T. A preliminary plan of subdivision was approved for 104 lots. Since the R-T zone only permitted six dwelling units per acre, the site was underdeveloped. At the time the detailed site plan was approved in November, 2021, the new Zoning Ordinance had been adopted but was not yet in effect. The Subject Property was to be rezoned to the RSF-A

zone. While the R-T zone permitted six dwelling units per acre, the RSF-A Zone permits 16 dwelling units per acre. Thus, at the time the Detailed Site Plan was processed, the lotting pattern was adjusted to push the lots closer together to create open space in which additional units could be constructed. A site rendering showing the layout with the additional open space is below:



The above revision was done with the understanding that a second phase of development could be accomplished once the new Zoning Ordinance became effective.

SH Brandywine purchased the Subject Property in March 2023 and is interested in obtaining approval of the second phase of the project as permitted under the current Zoning Ordinance. Section 27-1704(f) assures properties owners that they "may elect at any stage of the development review process to have the proposed development reviewed under this Ordinance." However, in evaluating the feasibility of the proposed expansion, several matters of concern have arisen. While some of those concerns are addressed by LDR-40-2024, others have not been. In addition, there are revisions proposed which create an even greater concern.

First, the transitional provisions are proposed to be rewritten, and the language quoted above from Section 27-1704(f) is being modified. While an applicant can still elect at any stage to have the project reviewed under the new Zoning Ordinance, new language is being added which says that "If the applicant makes such an election, the development or permit

approvals for the project approved under the prior Zoning Ordinance shall have no further force and effect." SH Brandywine is currently obtaining permits under the prior Ordinance in accordance with its valid approvals. Seeking an approval under the new Ordinance should not invalidate its permits or its prior approvals. We would request that this language not be adopted. Revised transitional language endorsed by the Maryland Building Industry Association addresses this issue and should be adopted by the Planning Board. This language is being presented to the Planning Board as a separate submittal.

The other concerns that have arisen relate primarily to the Neighborhood Compatibility Standards. SH Brandywine LLC revised the approved Detailed Site Plan to construct larger and higher quality units than previously approved, but the Neighborhood Compatibility Standards would force changes to the project which are both not necessary and also not viable. As noted above, some of the issues are being addressed by LDR-40-2024, such as the transparency requirements for townhouses, but these do not address all the concerns. Several representatives of the building industry met with Park and Planning Staff last summer to discuss issues which were being encountered with using the new Zoning Ordinance. Several modifications to the Neighborhood Compatibility Standards were proposed by the building industry, but not incorporated into the LDR-40-2024. A copy of these proposed revisions is attached. If these modifications are made, along with the other changes already proposed in LDR-40-2024, SH Brandywine will be able to pursue the second phase of its development.

Thank you for the opportunity to comment on the proposed legislation. Please let me know if you have any questions.

Very truly yours,

GIBBS AND HALLER

A handwritten signature in blue ink, appearing to read 'THH', with a long horizontal flourish extending to the right.

Thomas H. Haller

cc: Derick Berlage
Chad Williams

Enclosure

27-61202. Applicability

(a) General

- a. Unless exempted as provided in Section 27-61202(b), Exemptions, below, these standards apply to:
 - i. Any new townhouse, multifamily, nonresidential, or mixed-use development when located:
 1. ~~on land adjacent to,~~ within 200 feet of existing single-family and two-family dwellings (to be measured from the closest portion of each building, existing and proposed), or
 2. across a street or alley from ~~,~~ existing single-family detached dwellings, two-family dwellings in the RE, RR, RSF-95 and RSF-65 Zones (single family residential zones),, or vacant lands in the RE, RR, RSF-95, and RSF-65 zones (single-family residential zones) within 200 feet from the front yard setback line of the new development;
 - ii. Any new multifamily, nonresidential, or mixed-use development when located ~~on land adjacent~~ within 200 feet (to be measured from the closest portion of each building, existing and proposed) to, or across a street or alley from ~~,~~ existing townhouse dwellings;
 - iii. Any expansion of an existing townhouse, multifamily, nonresidential, or mixed-use building located:
 1. ~~on land abutting~~ within 200 feet of existing single-family and two-family dwellings (to be measured from the closest portion of each building, existing and proposed),
 2. 200 feet from the minimum front yard setback line of the new development from vacant land, or
 3. across a street or alley from existing single-family detached dwellings, two-family dwellings, or vacant lands in a single-family residential zone, where the expansion increases the building's gross floor area by 50 percent or more; and
 - iv. Any expansion of an existing multifamily, nonresidential, or mixed-use building located ~~on land abutting~~ within 200 feet (to be measured from the closest portion of each building) or across a street or alley from existing townhouse dwellings where the expansion increases the building's gross floor area by 50 percent or more.
- b. For the purposes of this Section:
 - i. "Multifamily development" shall include the following:
 1. Live/work dwellings; and
 2. Multifamily dwellings.
 - (j) "Nonresidential development" shall include the following:
 1. Uses in the Group Living Uses, Health Care Uses, Transportation Uses, and Utility Uses Principal Use Categories; and
 2. Uses in the Commercial Use and Industrial Use Principal Use Classifications.

(b) Exemptions

In addition to the exemptions specified in Section 27-6103, General Exemptions, the following are exempt from these standards unless the applicable Area Master Plan or Sector Plan addresses compatibility differently:

- a. Townhouse, multifamily, nonresidential, and mixed-use development Located more than 200 feet from existing single-family and two-family dwelling (to be measured from the closest portions of each building, existing and proposed); or more than 200 feet from the minimum front yard setback line of vacant land ~~on lots separated~~ from single-family detached dwellings; or two-family dwellings; ~~townhouses, or vacant lands in a single-family residential zone by a built and existing street with a median with four or more lanes; and~~



- b. Townhouse, multifamily, nonresidential, and mixed-use development abutting vacant lands in a single-family residential zone that consists of preserved open space, existing protective easements, ~~or~~ environmental features, or other factors that are deemed to prevent any residential use of said vacant parcels.
- c. Uses in the Communication Uses and Educational Uses Principal Use Categories.
- d. Development within any Transit-Oriented/Activity Center base or PD zone if the existing single-family detached dwellings, two-family dwellings, or townhouse dwellings are also located in a Transit-Oriented/Activity Center base or PD zone.

(c) Conflict

In the case of conflict between these neighborhood compatibility standards and other standards in this Ordinance, these neighborhood compatibility standards shall control.

27-61203. Neighborhood Compatibility Standards

Development subject to this Section shall comply with the following standards:

(a) Building Height and Setbacks

- (1) Setbacks of buildings shall be consistent with other buildings on the block face to maintain a consistent plane or edge of buildings along public frontages. Instead of the required setback or build-to line of the zone, setbacks of buildings shall vary no more than 15 percent from the setbacks of adjacent buildings.
- (2) Building height shall not exceed the maximum height established in Table 27-61203(a)(2): Maximum Height in Transitional Areas.

Table 27-61203(a)(2): Maximum Height in Transitional Areas

Distance from Single-Family Dwelling, Two-Family Dwelling, or Vacant Land in a Single-Family Zone (1)	Maximum Height		
	Parcels Fronting US 1 Between the Northern Corporate Boundaries of the City of College Park and the County's Boundary with the District of Columbia, and Parcels Fronting 34th St between Shepherd St and Otis St	All Other Areas	Parcels fronting Central Avenue /East Capitol Street (MD 214) or Old Central Avenue/Central Avenue (MD 332) Between the County's Boundary with the District of Columbia and Landover Road/Largo Road (MD 202)
50 feet or less	Lesser of: 3 stories or 35 feet	Lesser of: 3 stories or 35 feet	Lesser of: 7 stories or 80 feet
Greater than 50 feet but less than 150 feet	Lesser of: 6 stories or 65 feet		
150 to 200 feet	No requirement	Lesser of: 4 stories or 45 feet	

NOTES:

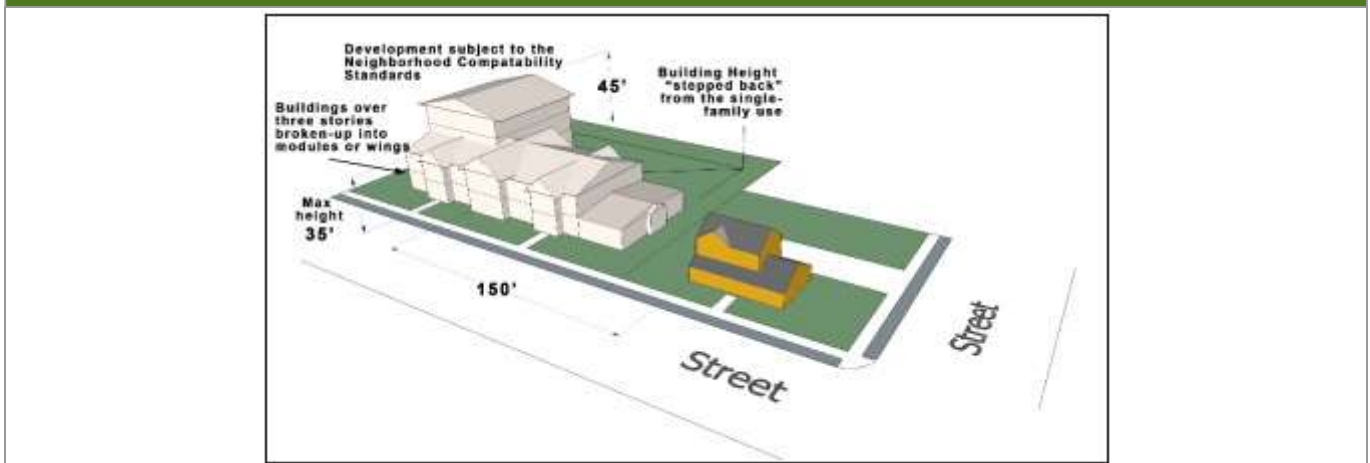
- (1) The distance from an existing single-family dwelling, two-family dwelling, townhouse, or vacant land in a single-family zone is to be measured from the closest portion of the dwelling (in the case of single-family and two-family dwellings and townhouses) or from the minimum front yard setback line (in the case of vacant land).

- (3) Buildings over three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to single-family dwellings, two-family dwellings,



townhouses, or vacant lands in a single-family residential zone (see Figure 27-61203(a)(3): Building Height Modulation).

Figure 27-61203(a)(3): Building Height Modulation



(b) Building Orientation

Except for when a mews or open space is located in front of the building, buildings shall be oriented towards the street from which they derive their street address.

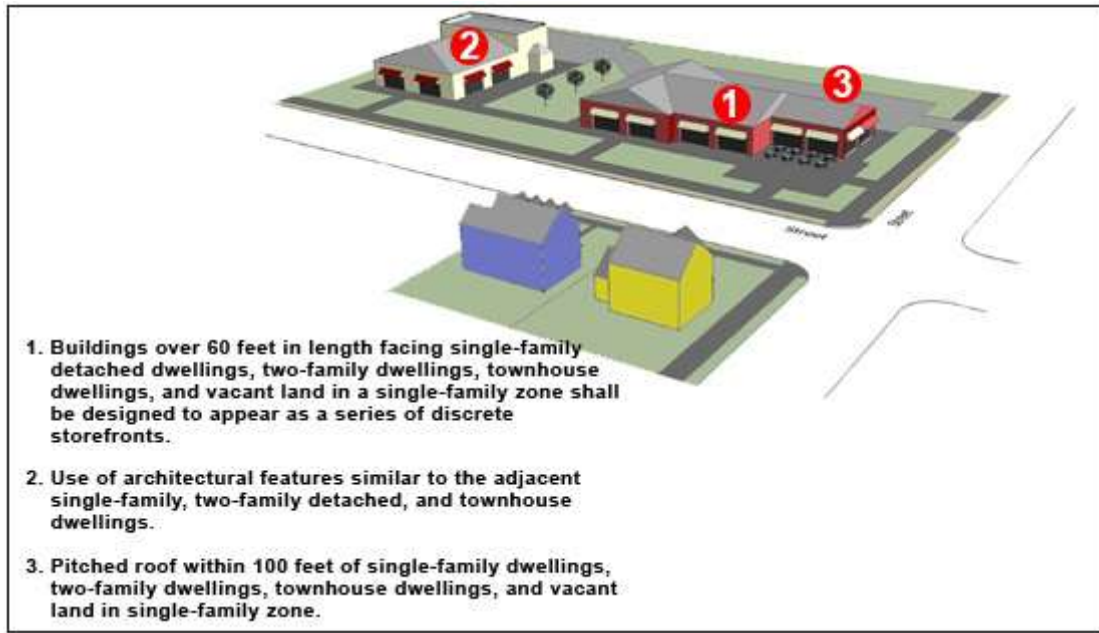
(c) Building Design

(1) Buildings shall (see Figure 27-61203(c): Compatible Building Design):

- (A)** Use a similar roof type to adjacent single-family detached dwellings, two-family dwellings, or townhouse dwellings in terms of slope and arrangement to prevent abrupt changes in roof form;
- (B)** Configure all roof-mounted equipment to avoid or minimize its view from adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone;
- (C)** Use exterior colors, where possible, that are similar to those found on adjacent single-family detached dwellings two-family dwellings, or townhouse dwellings;
- (D)** Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations found on adjacent single-family detached, two-family dwellings, and townhouse dwellings; and
- (E)** Orient porches, balconies, and outdoor activity areas away from adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.

(2) Retail commercial building façades over 90 feet in length that face single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone shall be designed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total façade width of the building.

Figure 27-61203(c): Compatible Building Design



(d) Building Materials

(1) Transparency

Building façades facing single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone, shall comply with the standards in Table 27-61203(d)(1), Transparency Standards:

Building Story	<u>Minimum Façade Area Percentage to be Transparent for Townhouses (Percent of Façade) (1),(2),(3),(4)</u>	<u>Minimum Façade Area Percentage to be Transparent for All Other Buildings (Percent of Façade) (1),(2),(3)</u>
1 st Floor (2)	<u>15</u> (3)	35 (3)
2 nd Floor	<u>20</u>	20
3 rd or Higher Floor	<u>20</u>	20

NOTES:

- (1) The façade area shall be measured from the grade to the underside of the eaves, or from story line to story line on upper building stories.
- (2) Façades abutting sidewalks, plazas, gathering areas, or other pedestrian areas shall incorporate transparent glazing.
- (3) The first two feet of façade area closest to the grade are not required to be glazed and shall be excluded from the façade area calculation.
- (4) For the purposes of this standard, entry doors (regardless of transparency) and garage door windows may be counted toward the required minimum.

(2) Exterior Materials

Except along US 1 between the northern corporate boundaries of the City of College Park and the County's boundary with the District of Columbia and along 34th Street between Sheperd Street and Otis Street, façades facing single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone shall comply with the following exterior materials standards:

- (A) Materials and material configurations shall be similar to those commonly used on adjacent single-family detached dwellings and two-family dwellings.
- (B) Plywood, standard (versus decorative) concrete block, and corrugated metal are prohibited as exterior materials.
- (C) Vinyl siding shall not exceed 25 percent of a building façade of any building located within 200 feet of single-family detached dwellings, two family dwellings, townhouses, or more than 200 feet from the minimum front yard setback line of vacant land within a the RE, RR, RSF-95 and RSF-65 Zones (single-family residential zones).

(e) Multi-Building Placement

Except along US 1 between the northern corporate boundaries of the City of College Park and the County's boundary with the District of Columbia and along 34th Street between Sheperd Street and Otis Street, multi-building development that includes varying use and/or development intensities in different buildings should locate buildings with the least intense use and/or development nearest to the abutting single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone, to the maximum extent practicable.

(f) Off-Street Parking

- (1) Except along US 1 between the northern corporate boundaries of the City of College Park and the County's boundary with the District of Columbia and along 34th Street between Sheperd Street and Otis Street, for development that is within 200 feet of single-family detached dwellings, two-family dwellings, townhouses, or vacant land within a single-family residential zone, the total amount of off-street parking shall not exceed 1.1 times the required minimum specified in Table 27-6305(a): Minimum Number of Off-Street Parking Spaces, and may be reduced through an alternative parking plan (see Section 27-6307, Off-Street Parking Alternatives) that demonstrates such reduction will not have an adverse impact on the adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.
- (2) When required, off-street parking shall be established in one or more of the following locations, listed in order of priority:
 - (A) Within a structured parking facility;
 - (B) Adjacent to off-street parking lots serving nonresidential development on abutting lots;



- (C) Adjacent to lot lines abutting nonresidential development;
- (D) Adjacent to lot lines abutting mixed-use development;
- (E) Behind the building;
- (F) Within a lot's corner side yard;
- (G) In front of the building; or
- (H) When all of the above options are infeasible, adjacent to lot lines abutting single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.

(3) Off-street surface parking areas located adjacent to single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone shall be treated in accordance with Section 4.3, Parking Lot Requirements, of the Landscape Manual.

(4) The façade of any parking structure facing adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone, shall be designed in accordance with the exterior materials standards of this Section and be landscaped to soften its visual impact.

(g) Other Site Features

(1) Loading, Service, Recycling Collection, and Refuse Collection Areas

Loading, service, recycling collection, and refuse collection areas shall be located at least 50 feet from residential development and:

- (A) Located behind or to the sides of buildings away from adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family zone, and screened with walls and/or landscaping, and provided with access that is integrated with parking areas and the vehicular circulation network;
- (B) Screened from view of single-family detached dwellings, two-family dwellings, townhouses, and vacant lands in a single-family residential zone, using materials that are the same as, or of equal quality to, the materials used for the principal building; or
- (C) Incorporated into the overall design of the site so that the visual impacts of these functions are fully contained within an enclosure, or are otherwise out of view from adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.

(2) Drive-Through Service Facilities

- (A) In no instance shall a drive-through or pick-up window be located on a building façade that faces a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.
- (B) Order boxes associated with a drive-through or pick-up window shall be at least 200 feet from a lot containing a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.

(3) Exterior Lighting

- (A) Exterior lighting fixtures shall have a maximum height of 14 feet and illumination that does not exceed 0.5 foot candle at the lot line if located within 100 feet of a lot containing a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.
- (B) Exterior lighting fixtures shall have a maximum height of 18 feet if between 100 and 150 feet of such lot or lands (and illumination that does not exceed 0.5 foot candle at the lot line).
- (C) Exterior lighting shall be extinguished by 10:00 p.m. or within one hour after closing, whichever occurs first.

(4) Signage Standards



- (A) To the maximum extent practicable, signage shall be located a minimum of 50 feet from lot lines shared with a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.
- (B) Signage within 50 feet of a lot line shared with a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone, shall be limited to directional signage.
- (C) Within 100 feet of lot lines shared with a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone, the maximum sign area for signs shall be reduced by 25 percent.
- (D) Projecting signs are prohibited if the sign is located across the street from or within 200 feet of a development with single-family detached dwellings, two-family dwellings, townhouses dwellings, or vacant lands in a single-family residential zone.

(5) Open Space Set-Asides

- (A) Required open space set-asides shall be located between a proposed development and an adjacent single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone, to the maximum extent practicable.
- (B) Outdoor recreation features such as swimming pools, tennis courts, playgrounds, and similar features shall be at least 50 feet from any lot line shared with a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.

(6) Natural Features

Natural features such as existing vegetation, natural differences in topography, streams, wetlands, and other such features shall be used as transitions where possible.

(h) Operational Standards

Except along US 1 between the northern corporate boundaries of the City of College Park and the County's boundary with the District of Columbia and along 34th Street between Sheperd Street and Otis Street, development within 200 feet of any single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone shall:

- (1) Prohibit outdoor dining or other outdoor activities such as, but not limited to, outdoor entertainment areas where alcohol is served or music is played, and outdoor recreation areas that are open after 8:00 p.m. in the evening;
- (2) Limit trash collection or other service functions to only between the hours of 7:00 a.m. and 7:00 p.m.; and
- (3) Extinguish amplified music, singing, or other forms of noise audible at shared lot lines after 10:00 p.m. Sunday through Thursday nights, and after 12:00 a.m. Friday and Saturday nights.
- (4) These standards shall not apply to new development locating within 200 feet of any nonconforming dwellings.

(CB-039-2023)

Red language indicates proposed revisions to LDR-40-2024

Blue language indicates modifications already proposed in LDR-40-2024



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EDWARD C. GIBBS, JR.
THOMAS H. HALLER

JUSTIN S. KORENBLATT

February 15, 2024

The Honorable Peter A. Shapiro
Chair
Prince George's County Planning Board
of the Maryland-National Capital Park
and Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

Re: LDR-40-2024

Dear Chairman Shapiro:

I represent Rainy Day Investments, LLC regarding land it owns located at 8427 Allentown Road in Fort Washington, Maryland (the "Subject Property"). The Subject Property is located on the west side of Allentown Road. On behalf of the owner, I am requesting that the Planning Board favorably consider a proposed amendment to LDR-40-2024, also known as the Omnibus Corrections Bill. Specifically, we are requesting that the Open Space Set-Aside requirements in Section 27-6400 only apply to residential subdivisions larger than 25 lots.

Rainy Day Investments LLC is the owner of 3.824± acres of land in the RR Zone which it plans to subdivide into a total of five lots. In evaluating whether there is any impediment to utilizing the current Zoning Ordinance, it was discovered that the Open Space Set-Aside requirements apply to all subdivision applications, regardless of size. Section 27-6402 contains the applicability requirements. Currently, the only exemptions from these requirements are for Agriculture/Forestry Uses, Open Space principal use categories and an individual single-family detached dwelling or two-family dwelling on an individual lot. Requiring open space set-asides for small subdivisions creates substantial issues. First, a minimum of 20% of the property must be set aside as open space. For a small property like 8427 Allentown Road, this is equivalent to two lots (the minimum lot

size in the RR Zone is 20,000 square feet). In addition, the Open Space Set-Aside requirements are clear that private yards not subject to a conservation easement do not qualify. Thus, the property owner would be required to establish a homeowners association solely for the purpose of owning an open space parcel. Requiring a homeowners association for small subdivisions imposes a huge burden on the residents. In addition, one of the proposed amendments in LDR-40-2024 is to require 15% of the Open Space Set-Aside to be utilized for active recreation. Again, for a small subdivision, requiring the owners to maintain a small recreation area through an HOA is an unreasonable burden.

As a result of the impact of complying with the Open Space Set-Aside requirements, the owner is attempting to file a subdivision application under the provisions of the prior Zoning and Subdivision Ordinance. Regardless of whether we are successful in having the subdivision accepted prior to the deadline, we would respectfully request that a minimum lot size be added for applicability of the open space set-aside requirement. We would suggest the threshold be set at 25 lots, as anything smaller would create a substantial burden on the homeowners. Attached hereto is a proposed revision to Section 27-6402, restricting the applicability of the Open Space Set-Aside requirements to subdivisions with fewer than 25 lots. Alternatively, the Planning Board could consider exempting minor subdivisions, which are limited to subdivisions creating 10 or fewer dwelling units.

Thank you for the opportunity to comment on the proposed legislation. Please let me know if you have any questions.

Very truly yours,

GIBBS AND HALLER

A handwritten signature in blue ink, appearing to read 'Thomas H. Haller', with a long horizontal flourish extending to the right.

Thomas H. Haller

cc: Derick Berlage
Chad Williams

Enclosure

27-6402. Applicability

- (a) In addition to the exemptions specified in Section 27-6103, General Exemptions, the following development shall be exempted from the standards in this Section:
- (1) Uses in the Agriculture/Forestry Uses, Agriculture/Forestry Related Uses, and Open Space Uses principal use categories; and
 - (2) Any individual single-family detached dwelling or two-family dwelling on a single lot.
 - (3) Any preliminary plan of subdivision containing fewer than twenty-five (25) Lots.

February 22, 2024

Hon. Peter A. Shapiro
Chair, Prince Georges County Planning Board
1616 McCormick Drive
Largo, Maryland 20774

Re: LDR-40-2024 - Legislative Amendment to the Zoning Ordinance

Dear Chair Shapiro and Planning Commissioners:

The Maryland Building Industry Association (MBIA) is submitting testimony in Opposition to LDR-40-2024, Legislative Amendment to the Zoning Ordinance. The purpose of the amendment is to reconcile certain terms, procedures, and other language to further effectuate the successful implementation of the County's new Zoning Ordinance. MBIA applauds the work of planning and council staff in the drafting of these revisions to bring clarity and the necessary corrections to the new zoning ordinance. The industry held a series of meetings with planning staff last summer into the fall to discuss the omnibus amendment (CB-73) and share our recommendations and concerns. Planning staff agreed with the majority of our feedback, and we were able to come to compromise on certain items.

However, we do have serious concerns about the most recent draft of this omnibus amendment. The addition of the provision on p 200 under Dwellings, MF in CGO Zones, "(D) Dwelling, Multifamily – which states that Multifamily dwellings shall only be permitted in the CGO Zone inside the Capital Beltway and shall not be permitted outside the Capital Beltway. The purpose of the CGO zone is to accommodate higher-density residential uses as part of vertically or horizontally mixed-use development and provide lands for a diverse range of business, civic, and mixed-use development, typically at or near major intersections where visibility and good access are important. Revitalizing shopping centers outside the beltway isn't sprawl, it is infill development and redevelopment, which is exactly what Prince Georges County wants and needs.

We object to the planning staff proposal (found in CB-073-2023 DR-2) to have projects developed under the prior Zoning Ordinance fall into the provisions dealing with nonconforming use and support the revisions necessary to address significant concerns of the development community as the current Transitional Provisions fail to provide appropriate clarity and assurances that "grandfathered" projects can rely upon the appropriate provisions of the prior Zoning Ordinance. Additionally, the industry supports an extension to the April 1, 2024 deadline, and requests this extension be no less than two years.

Over the last 14 months projects in Prince Georges County have experienced extreme uncertainty and risk due to legislation introduced from the county council. For example, in January of last year the council introduced a series of resolutions to repeal previously approved ZTAS, in March the council introduced and passed a temporary rent cap of 3 percent. Followed by proposed ban on townhome developments outside of the beltway and a permit allocation cap to limit permits approved in certain tiers outside of the beltway. Trying to understand the effects these proposals would have on projects moving through the process didn't allow for applicants to focus on the pending ordinance changes.

Again, MBIA appreciates the work of staff and the opportunity to offer our feedback on the revisions to the omnibus amendment, our concerns will help to create clarity in the Zoning Ordinance, which, after all, was a stated goal of the new Zoning Ordinance. Should you have any questions or concerns please do not hesitate to contact me.

Sincerely,

Griffin Benton
Vice President, MBIA

Peter Z. Goldsmith*Attorney*

240-481-6626

pzgoldsmith@lercheearly.com

February 22, 2024

The Hon. Peter Shapiro
Prince George's County Planning Board, Chairman
1616 McCormick Drive
Largo, Maryland 20774

Re: Omnibus Corrections Bill – LDR-40-2024 – Density Calculation

Dear Mr. Chairman:

I am submitting this letter on behalf of our client, Seven Springs Village, LLC, which is the long-term owner of the parcels that compose the multifamily residential community known as Seven Springs Apartments, located in College Park and Councilmanic District 1. Seven Springs is within the plan area governed by the *2010 Central U.S. 1 Corridor Sector Plan and Sectional Map Amendment*. The Sector Plan envisions redeveloping the existing Seven Springs community, which was constructed in the late 1960s, into a “walkable neighborhood” that will “increase a sense of place” and could “serve as an example for the rest of the county.” *See* Sector Plan at p. 97. The property was rezoned as part of the Sector Plan’s corresponding sectional map amendment to “permit a range of residential uses and facilitate future redevelopment of the site” so that it is “consistent with the recommendations of the sector plan for a high-quality mix of residential development.” *See* Sector Plan at p. 290.

That vision for redeveloping portions of the aging apartment community, which currently contains a significant amount of naturally occurring affordable housing—approximately 982 multifamily dwelling units—will not be realized as a result of the way density is calculated under the Zoning Ordinance. Residential density in Prince George’s County is calculated using “net lot area”¹ instead of gross area, which means property owners who want to develop their properties will not get credit for any part of their properties in the floodplain or for alleys, streets, and other public ways on their properties. Under this regime, the County’s zoning laws impose an onerous restriction on a property owner’s ability to construct improvements on their land.

Moreover, in Prince George’s County, the Department of Permitting, Inspections, and Enforcement conducts its own calculation of the 100-year floodplain. As a result, a property owner’s maximum allowable density could change every time DPIE amends any regulation that affects the delineation of the floodplain. This occurred, with significant consequences, when DPIE issued its recent revision to Techno-Gram 007-2016 last year. In plain terms, the Techno-Gram,

¹ In relevant part, the zoning ordinance defines “net lot area” as “alleys, streets, and other public ways,” along with “land lying within a 100-year floodplain.” Prince George’s County Zoning Ordinance, § 27-2500.

which is attached hereto as Exhibit 1, altered the floodplain limits, notably expanding the floodplain delineation in areas where the topography is shallow and there is no planned development. This expansion of the floodplain delineation, however, could result in a reduction of density available to any redevelopment of Seven Springs by hundreds of dwelling units, even if that development occurred *outside* the floodplain and at the highest elevation near Cherry Hill Road, where the property is separated by over 600 feet horizontally and approximately 10 feet vertically from the existing floodplain elevations (prior to adding freeboard required from the conservative Techno-Gram requirements). The ability of DPIE to reduce available density this dramatically is certainly contrary to the recommendations in the Sector Plan.

Furthermore, a major objective of the Zoning Rewrite was to draw quality development to Prince George's County from neighboring jurisdictions and to encourage redevelopment of aging properties. One of the goals of the omnibus corrections bill is to increase maximum residential densities to support Prince George's County's growth priorities in General Plan Centers. Many of those Centers, however, are located in transit-oriented areas that are also located in the floodplain. Therefore, even if the densities available to property owners might increase as a result of the enactment of the omnibus bill, in reality those maximum densities would never be fully realized without changing the way density is calculated in the County. To attract quality development to the County, to realize the vision for Seven Springs set forth in the Sector Plan, and to achieve the transit-oriented goals set forth in *Plan Prince George's 2035*, the Planning Board should recommend that the omnibus corrections bill amend the necessary provisions of the Zoning Ordinance so that the calculation for residential development is based on the entire area of the lot instead of net lot area.

Having followed the evolution of the Zoning Ordinance for almost a decade, I appreciate your thoughtful consideration of the numerous amendments proposed in this significant, but necessary, update.

Sincerely,

LERCH, EARLY & BREWER, CHARTERED



Peter Z. Goldsmith
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TECHNO-GRAM 007-2016 REVISED



- SUBJECT:** Application of 24-hour rainfall intensity of 8.5 inches versus 7.4 inches in computing discharge for 100-year storm events
- PURPOSE:** The purpose of this Techno-gram is to change the requirements pertaining to 24-hour rainfall intensity of 8.5 inches versus 7.4 inches in computing discharges for 100-year storm events
- SCOPE:** The scope of this Techno-gram is to establish the revised stormwater management requirements as required per the Prince George's County Code, Section, 32-180 and administered through the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)

The following is a revision to this previously issued Techno-gram 007-2016. This change in rainfall requirements shall apply for all calculations submitted to Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The 24-hour rainfall intensity of 7.4 inches and Type II rainfall distribution constitutes the historic precipitation standard used in Natural Resources Conservation Service (NRCS) Soil Conservation Service (SCS) Methodology to compute the 100-year discharge in Prince Georges County, Maryland. The original techno-gram issued in February of 2022 required the use of the higher 8.5-inch rainfall intensity for storm drain and stormwater management systems. With the issuance of this techno-gram, the 8.5-inch rainfall intensity shall be used for all systems, including floodplain studies and major culverts and bridges.

DPIE will no longer allow the use of the 24-hour rainfall intensity of 7.4 inches (100-year storm) and the Type II distribution. Similarly, the 24-hour rainfall intensity of 5.3 inches (10-year storm) and 3.3 inches (2-year storm) shall no longer be utilized.

The following 24-hour rainfall intensities shall be utilized based on the current National Oceanic and Atmospheric Administration (NOAA) Atlas 14 precipitation frequency estimates for Central Prince George's County, Maryland, as adopted by NRCS and the local Soil Conservation District. These rainfall intensities shall be utilized in calculations required for 100-year floodplain studies, bridges, major culverts, stormwater management ponds, dam safety analyses, and storm conveyance:

- **100-year storm -- 8.50 inches with the NOAA 'C' Distribution**
- **10-year storm -- 4.93 inches with the NOAA 'C' Distribution**
- **2-year storm -- 3.19 inches with the NOAA 'C' Distribution.**

Last Edited Date July 28, 2023



TECHNO-GRAM 007-2016 REVISED



For enclosed storm drain systems, culverts, bridges, and open channel storm drain systems, DPIE will require the use of the rainfall intensities identified in the *Prince George's County Stormwater Management Design Manual*, Appendix 8-8 or as described below. These are based on the NOAA Atlas 14 rainfall intensities. The *Prince George's County Stormwater Management Design Manual* requires sizing of culverts as follows:

- Drainage area less than 20 acres (minor culverts) — use Rational Equation and Rainfall Intensities in Appendix 8-8 of the *Prince George's County Stormwater Management Design Manual*.
- Drainage area 20 to 50 acres (between minor and major culverts) — use Rational Equation and Rainfall Intensities in Appendix 8-8 — OR — NRCS Technical Release 20 (TR-20)". If NRCS Technical Release 20 (TR-20)" is utilized, use rainfall intensities as noted above in bold lettering.
- Drainage area 50 acres and larger (major culverts) — use NRCS Technical Release 20 (TR-20)" with rainfall intensities as noted above in bold lettering.
- Engineers shall utilize WIN-TR20 software when modeling watersheds noted above.

Engineers shall implement the following guidance when utilizing previously approved 100-year Floodplain Studies and Delineations.

Starting Water Surface Elevations: For projects that are utilizing a previously approved downstream 100-year floodplain study to establish a starting water surface elevation for a new 100-year floodplain study upstream, the Engineer shall add one (1) vertical foot at the last cross section of the downstream floodplain study.

Delineations:

- **FEMA:** For projects that are utilizing a previously approved FEMA map approved in 2016, the Engineer shall delineate the 100-year floodplain by adding one (1) vertical foot to the base flood elevation (BFE), to adjust for the 7.4-inch versus 8.5-inch rainfall amount and adding another one (1) vertical foot of freeboard, as required by Techno-gram 004-2020. Engineers have the option to rerun the hydrology and hydraulics of a FEMA study, with the 8.50-inch rainfall intensity and Type C storm distribution. If this option is chosen, then the Engineer shall add one (1) vertical foot of freeboard to the adjusted BFE.

Last Edited Date July 28, 2023



TECHNO-GRAM 007-2016 REVISED



- **Existing County Watershed Studies:** For projects that are utilizing a County watershed study approved prior to the date of this techno-gram, the Engineer shall delineate the 100-year floodplain by adding one (1) vertical foot to the BFE, to adjust for the 7.4-inch versus 8.5-inch rainfall amount. The Engineer shall add another one (1) vertical foot of freeboard, as required by Techno-gram 004-2020, which is required for all watershed studies except for the Anacostia River, Bear Branch, Crow Branch and Beaverdam Creek. Engineers have the option to rerun the hydrology and hydraulics of a County Watershed study, with the 8.50-inch rainfall intensity and Type C storm distribution. If this option is chosen, then the Engineer shall add one (1) vertical foot of freeboard to the adjusted BFE.
- **New County Watershed Studies:** Prince George's County Department of the Environment (DoE) is currently updating the County watershed studies. Once these watershed studies are published, the Engineer shall delineate the 100-year floodplain by adding one (1) vertical foot to the BFE.
- **Consultant Studies:** For projects that are utilizing a previously approved consultant study, the Engineer shall remodel with flow rates using the higher rainfall intensities.

Grandfathering (Floodplain):

- a) If a permit project received a 100-year floodplain delineation approval prior to 2017, this requirement will be implemented, due to the change in FEMA maps and other factors.
- b) If a permit project received a 100-year floodplain delineation approval between 2017 and the effective date of this techno-gram, DPIE will not require a revision to the delineation.
- c) If a permit project submitted a 100-year floodplain delineation between 2017 and the effective date of this techno-gram, DPIE will not require a revision to the delineation. However, after February 1, 2024, these delineations shall be revised to comply with this techno-gram.
- d) All floodplain studies or delineations submitted after the effective date of this techno-gram shall be prepared in accordance with this techno-gram.



**TECHNO-GRAM
007-2016
REVISED**



Grandfathering (Culvert and Bridge Sizing):

- a) If a permit project received a technical approval or permit issuance of a culvert or bridge prior to 2017, this requirement will be implemented, due to the change in FEMA maps and other factors.
- b) If a permit project received culvert or bridge permit issuance between 2017 and the effective date of this techno-gram, DPIE will not require a revision to the culvert or bridge size.
- c) If a permit project submitted a culvert or bridge permit between 2017 and the effective date of this techno-gram, DPIE will not require a revision to the culvert or bridge size. However, after February 1, 2024, these culverts or bridges shall be revised to comply with this techno-gram.
- d) All culvert and bridge permits submitted after the effective date of this techno-gram shall be prepared in accordance.

APPROVED BY:

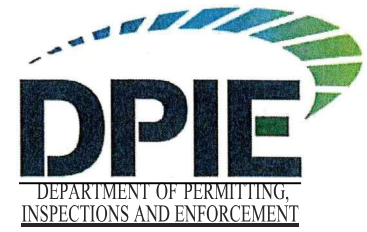
Dawit Abraham

Dawit Abraham, Acting Director
Prince George's County Department of
Permitting, Inspections and Enforcement

July 28, 2023
Date



TECHNO-GRAM
007-2016
REVISED



"NEW" NOAA ATLAS 14
RAINFALL RATES



NOAA's National Weather Service

Hydrometeorological Design Studies Center
Precipitation Frequency Data Server (PFDS)

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NOAA ATLAS 14 POINT PRECIPITATION FREQUENCY ESTIMATES: MD

DATA DESCRIPTION

Data type: precipitation depth Units: english Time series type: partial duration

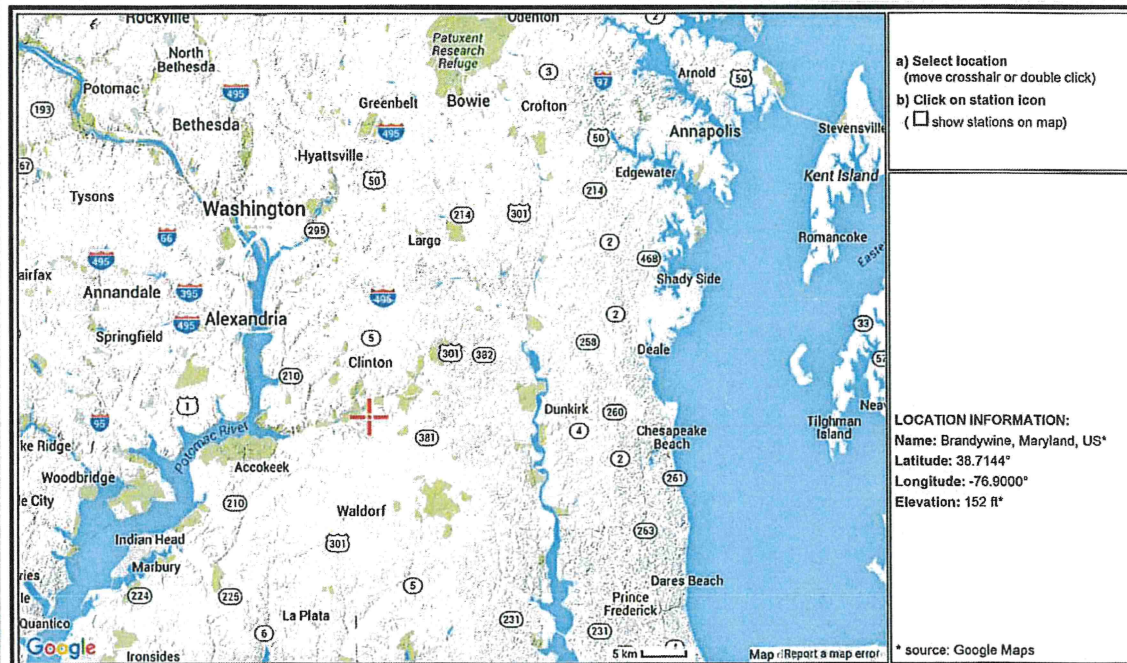
SELECT LOCATION

1. Manually:

a) Enter location (decimal degrees, use "-" for S and W): latitude: longitude:

b) Select station ([click here for a list of stations used in frequency analysis for MD](#)):

2. Use map:



POINT PRECIPITATION FREQUENCY (PF) ESTIMATES

WITH 90% CONFIDENCE INTERVALS AND SUPPLEMENTARY INFORMATION
NOAA Atlas 14, Volume 2, Version 3

NOAA Atlas 14, Volume 2, Version 3

PF tabular

PF graphical

Supplementary information

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Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.356 (0.323-0.392)	0.426 (0.387-0.470)	0.507 (0.460-0.559)	0.566 (0.512-0.624)	0.641 (0.576-0.707)	0.697 (0.622-0.769)	0.752 (0.669-0.832)	0.806 (0.710-0.895)	0.874 (0.762-0.977)	0.928 (0.802-1.0)
10-min	0.569 (0.516-0.626)	0.682 (0.619-0.751)	0.812 (0.739-0.895)	0.906 (0.818-0.998)	1.02 (0.917-1.13)	1.11 (0.991-1.23)	1.20 (1.06-1.32)	1.28 (1.13-1.42)	1.38 (1.21-1.55)	1.46 (1.26-1.64)
15-min	0.711 (0.645-0.782)	0.857 (0.778-0.944)	1.03 (0.931-1.13)	1.15 (1.04-1.26)	1.30 (1.16-1.43)	1.41 (1.26-1.55)	1.51 (1.34-1.67)	1.61 (1.42-1.79)	1.74 (1.52-1.95)	1.83 (1.59-2.06)
30-min	0.974 (0.884-1.07)	1.18 (1.07-1.30)	1.46 (1.32-1.61)	1.66 (1.50-1.83)	1.92 (1.72-2.12)	2.12 (1.89-2.34)	2.31 (2.05-2.56)	2.51 (2.21-2.79)	2.77 (2.41-3.1)	2.97 (2.57-3.34)
60-min	1.22 (1.10-1.34)	1.49 (1.35-1.64)	1.87 (1.70-2.06)	2.16 (1.95-2.38)	2.56 (2.29-2.82)	2.87 (2.58-3.17)	3.19 (2.83-3.53)	3.52 (3.10-3.91)	3.97 (3.46-4.44)	4.34 (3.75-4.87)
2-hr	1.42 (1.29-1.57)	1.73 (1.57-1.91)	2.19 (1.99-2.42)	2.55 (2.30-2.81)	3.06 (2.74-3.37)	3.47 (3.09-3.82)	3.90 (3.45-4.31)	4.36 (3.83-4.83)	5.00 (4.34-5.58)	5.53 (4.74-6.20)
3-hr	1.53 (1.39-1.70)	1.86 (1.69-2.06)	2.36 (2.13-2.61)	2.76 (2.49-3.05)	3.33 (2.98-3.67)	3.79 (3.36-4.19)	4.29 (3.77-4.75)	4.81 (4.19-5.35)	5.67 (4.79-6.22)	6.19 (5.25-6.95)
6-hr	1.87 (1.70-2.08)	2.27 (2.06-2.52)	2.87 (2.59-3.18)	3.36 (3.02-3.73)	4.09 (3.64-4.53)	4.71 (4.16-5.22)	5.38 (4.70-5.98)	6.11 (5.26-6.81)	7.18 (6.10-8.06)	8.08 (6.77-9.13)
12-hr	2.26 (2.03-2.54)	2.73 (2.45-3.06)	3.46 (3.10-3.89)	4.10 (3.65-4.60)	5.06 (4.46-5.67)	5.91 (5.15-6.82)	6.84 (5.90-7.69)	7.89 (6.70-8.89)	9.48 (7.89-11.0)	10.9 (8.88-12.4)
24-hr	2.63 (2.38-2.94)	3.19 (2.89-3.57)	4.12 (3.73-4.61)	4.93 (4.45-5.51)	6.17 (5.53-6.85)	7.27 (6.47-8.04)	8.51 (7.50-9.37)	9.91 (8.64-10.9)	12.1 (10.4-13.2)	13.9 (11.8-15.3)
2-day	3.04 (2.75-3.40)	3.69 (3.34-4.13)	4.76 (4.30-5.31)	5.68 (5.11-6.33)	7.06 (6.32-7.89)	8.27 (7.36-9.18)	9.62 (8.47-10.7)	11.1 (9.72-12.3)	13.4 (11.6-14.9)	15.4 (13.1-17.1)
3-day	3.22 (2.92-3.58)	3.90 (3.54-4.34)	5.01 (4.54-5.57)	5.96 (5.39-6.63)	7.40 (6.64-8.20)	8.65 (7.71-9.57)	10.0 (8.87-11.1)	11.6 (10.2-12.8)	13.9 (12.0-15.4)	15.9 (13.6-17.6)
4-day	3.39 (3.08-3.76)	4.10 (3.73-4.56)	5.26 (4.78-5.84)	6.25 (5.69-6.92)	7.74 (6.96-8.55)	9.03 (8.07-9.95)	10.5 (9.28-11.5)	12.0 (10.6-13.2)	14.4 (12.5-15.9)	16.5 (14.2-18.1)
7-day	3.93 (3.60-4.32)	4.73 (4.35-5.21)	5.99 (5.49-6.58)	7.06 (6.46-7.75)	8.66 (7.87-9.48)	10.0 (9.05-11.0)	11.5 (10.3-12.6)	13.2 (11.7-14.4)	15.7 (13.8-17.1)	17.8 (15.4-19.5)

10-day	4.48 (4.13-4.90)	5.38 (4.96-5.88)	6.71 (6.18-7.33)	7.82 (7.19-8.54)	9.44 (8.63-10.3)	10.8 (9.82-11.7)	12.2 (11.1-13.3)	13.8 (12.4-15.0)	16.1 (14.3-17.5)	18.0 (15.9-19.6)
20-day	6.04 (5.64-6.50)	7.18 (6.70-7.73)	8.69 (8.09-9.35)	9.91 (9.22-10.6)	11.6 (10.8-12.5)	13.0 (12.0-13.9)	14.4 (13.2-15.4)	15.9 (14.5-17.0)	17.9 (16.3-19.2)	19.6 (17.7-21.0)
30-day	7.45 (6.96-7.98)	8.83 (8.25-9.46)	10.5 (9.61-11.3)	11.9 (11.0-12.7)	13.7 (12.7-14.7)	15.2 (14.1-16.2)	16.7 (15.4-17.8)	18.2 (16.7-19.4)	20.3 (18.5-21.7)	21.9 (19.9-23.4)
45-day	9.37 (8.83-9.94)	11.1 (10.4-11.7)	12.9 (12.2-13.7)	14.4 (13.5-15.3)	16.3 (15.3-17.3)	17.7 (16.6-18.8)	19.1 (17.9-20.3)	20.5 (19.2-21.8)	22.3 (20.7-23.7)	23.7 (21.9-25.2)
60-day	11.1 (10.5-11.8)	13.1 (12.4-13.9)	15.2 (14.3-16.1)	16.7 (15.8-17.7)	18.7 (17.6-19.8)	20.2 (18.9-21.3)	21.6 (20.2-22.8)	22.9 (21.4-24.2)	24.6 (22.9-26.0)	25.8 (24.0-27.4)

¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS).

Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values.

Please refer to NOAA Atlas 14 document for more information.

Estimates from the table in csv format:

precipitation frequency estimates ▾

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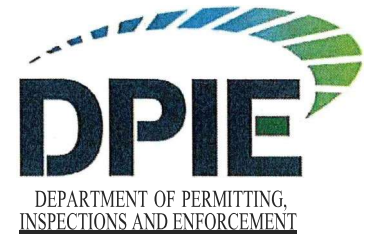
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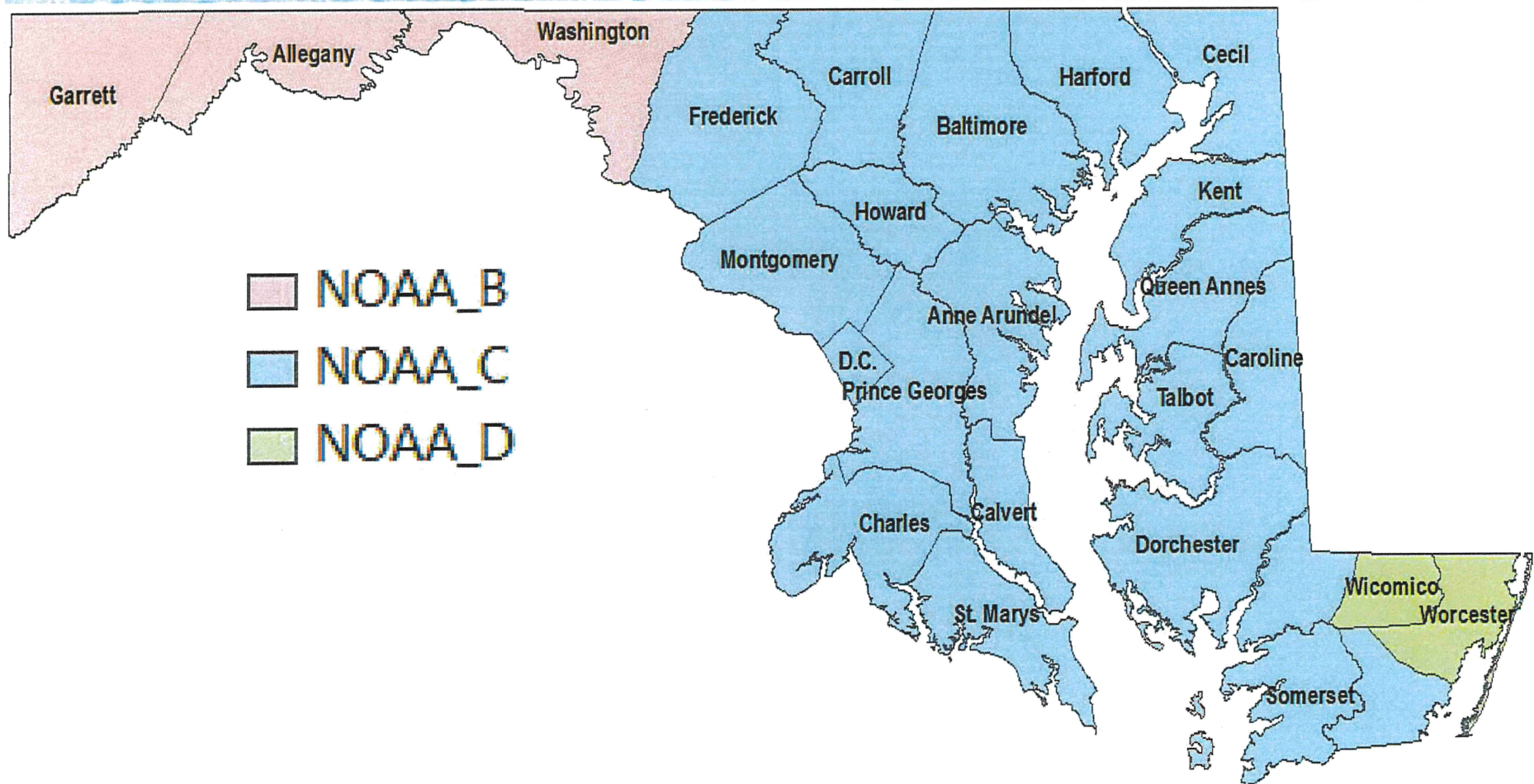


TECHNO-GRAM
007-2016
REVISED



RAINFALL INTENSITIES
RATIONAL EQUATION
(EXCERPT FROM PRINCE GEORGES COUNTY
STORMWATER DESIGN MANUAL)

New NRCS rainfall distributions based on NOAA 14 data for Maryland



June 2015

15

RATIONAL METHOD RAINFALL INTENSITY TABLE

DURATION (MINUTES)	NOAA 14-2004: Intermediate Values from Interpolation (Upper Marlboro 3 NNW: 18-9070) PRINCE GEORGE'S COUNTY MARYLAND RAINFALL INTENSITY (INCHES/HOUR)						
	RETURN PERIOD (YEARS)						
	1	2	5	10	25	50	100
5.00	4.20	5.04	6.00	6.72	7.56	8.28	8.88
6.00	4.03	4.84	5.76	6.44	7.26	7.93	8.51
7.00	3.86	4.63	5.52	6.17	6.96	7.58	8.14
8.00	3.70	4.43	5.28	5.89	6.66	7.24	7.76
9.00	3.53	4.22	5.04	5.62	6.36	6.89	7.39
10.00	3.36	4.02	4.80	5.34	6.06	6.54	7.02
11.00	3.25	3.89	4.65	5.18	5.86	6.34	6.80
12.00	3.14	3.76	4.50	5.01	5.67	6.13	6.58
13.00	3.02	3.62	4.34	4.85	5.47	5.93	6.36
14.00	2.91	3.49	4.19	4.68	5.28	5.72	6.14
15.00	2.80	3.36	4.04	4.52	5.08	5.52	5.92
16.00	2.74	3.29	3.96	4.44	4.99	5.43	5.83
17.00	2.68	3.22	3.89	4.35	4.91	5.34	5.74
18.00	2.62	3.16	3.81	4.27	4.82	5.25	5.64
19.00	2.57	3.09	3.73	4.19	4.73	5.16	5.55
20.00	2.51	3.02	3.65	4.11	4.65	5.07	5.46
21.00	2.45	2.95	3.58	4.02	4.56	4.98	5.37
22.00	2.39	2.88	3.50	3.94	4.47	4.89	5.28
23.00	2.33	2.82	3.42	3.86	4.39	4.79	5.18
24.00	2.27	2.75	3.34	3.78	4.30	4.70	5.09
25.00	2.21	2.68	3.27	3.69	4.21	4.61	5.00
26.00	2.15	2.61	3.19	3.61	4.13	4.52	4.91
27.00	2.10	2.54	3.11	3.53	4.04	4.43	4.82
28.00	2.04	2.48	3.03	3.45	3.95	4.34	4.72
29.00	1.98	2.41	2.96	3.36	3.87	4.25	4.63
30.00	1.92	2.34	2.88	3.28	3.78	4.16	4.54
31.00	1.90	2.31	2.85	3.24	3.74	4.12	4.49
32.00	1.87	2.28	2.81	3.20	3.70	4.07	4.45
33.00	1.85	2.25	2.78	3.17	3.65	4.03	4.40
34.00	1.82	2.22	2.74	3.13	3.61	3.98	4.35
35.00	1.80	2.19	2.71	3.09	3.57	3.94	4.31
36.00	1.78	2.16	2.67	3.05	3.53	3.89	4.26
37.00	1.75	2.13	2.64	3.01	3.48	3.85	4.21
38.00	1.73	2.11	2.60	2.97	3.44	3.80	4.16
39.00	1.70	2.08	2.57	2.94	3.40	3.76	4.12
40.00	1.68	2.05	2.53	2.90	3.36	3.71	4.07
41.00	1.66	2.02	2.50	2.86	3.31	3.67	4.02
42.00	1.63	1.99	2.46	2.82	3.27	3.62	3.98
43.00	1.61	1.96	2.43	2.78	3.23	3.58	3.93
44.00	1.58	1.93	2.39	2.74	3.19	3.53	3.88
45.00	1.56	1.90	2.36	2.71	3.15	3.49	3.84
60.00	1.20	1.46	1.84	2.13	2.51	2.82	3.13

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LARGO, MARYLAND 20774

EDWARD C. GIBBS, JR.
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(301) 306-0033
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February 20, 2024

The Honorable Peter A. Shapiro
Chair
Prince George's County Planning Board
of the Maryland-National Capital
Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: LDR-40-2024 (Omnibus Corrections Bill)
Woodmore Towne Centre

Dear Chairman Shapiro:

I represent Urban Edge, the owner of virtually the entire commercial component at Woodmore Towne Centre. I am writing at this time on behalf of my client to express their particular concern over the Transitional Provisions as set forth in both the existing Zoning Ordinance and in the Omnibus Corrections Bill. Woodmore Towne Centre was approved for up to 1,079 dwelling units of all types, 750,000 square feet of commercial retail space, 1 million square feet of commercial office space and 360 hotel rooms. To date, most of the residential dwelling units, with the exception of the multifamily residential units, have been constructed. In addition, approximately 705,000 square feet of commercial retail space has been constructed. Only a minimal amount of the 1 million square feet of office space has been constructed and only a single hotel consisting of 106 rooms has been constructed.

My client is most concerned that the Transitional Provisions of the new existing Ordinance (CB-13-2018) do not sufficiently protect a project of this magnitude. Further, the proposed revisions to the Transitional Provisions as set forth in LDR-40-2024 provide even less protection.

Honorable Peter A. Shapiro
February 20, 2024
Page 2

Woodmore Towne Centre was developed under the M-X-T Zone. As such, its Conceptual Site Plan was valid indefinitely. Under the new Ordinance, Conceptual Site Plans will be valid for a period of twenty years. It is entirely possible that the construction of Woodmore Towne Centre will not be complete within the lifetime of its Conceptual Site Plan. Furthermore, the Transitional Provisions, as they exist today, and worse yet as they are proposed to be revised, do not provide a mechanism for a large project such as Woodmore Towne Centre to validate its as-built uses once it loses the grandfathering protections set forth in Section 27-1700, et al. There needs to be some mechanism for projects (especially large projects) to validate those portions of the project already constructed in order to ultimately move forward with new development using the new Zoning Ordinance. Presently, that capability does not exist. Further, the Transitional Provisions as proposed to be revised in the Omnibus Corrections Bill do not provide a sufficient mechanism to permanently grandfather portions of a large project previously constructed under the prior Ordinance. To make matters worse, Section 27-1703(e) and Section 27-1704(f) provide that an applicant may at any stage of its development process elect to use the new Zoning Ordinance. However, those provisions also provide that if an applicant makes such an election, all approvals which were obtained under the prior Ordinance shall have no further force and effect. In our view, this creates an intractable situation. How does an applicant proceed to file a Detailed Site Plan under the new Zoning Ordinance when the ability to file that site plan is premised upon a Preliminary Subdivision Plan and/or Record Plat of Subdivision which was approved under the prior Ordinance. These provisions would mandate that the prior Preliminary Subdivision Plan and record plat has "no further force and effect".

I have drafted proposed revisions to the Transitional Provisions designed to address unique situations which large projects, especially those developed under the M-X-T Zone, face when trying to complete their projects over the course of many years. I would request that the Planning Board consider my proposed revisions to the Transitional Provisions and recommend

Honorable Peter A. Shapiro
February 20, 2024
Page 3

their addition into LDR-40, in order to particularly safeguard large mixed use projects. Thank you for your consideration.

Very truly yours,

GIBBS AND HALLER

A handwritten signature in blue ink, appearing to read 'E. Gibbs, Jr.', with a long horizontal flourish extending to the right.

Edward C. Gibbs, Jr.

From: [Casey Anderson](#)
To: [PPD-PGCPB](#)
Cc: [Alex Villegas](#); [Matthew Wessel](#); [Matthew C. Tedesco](#); [Peter Goldsmith \(pzgoldsmith@lercheary.com\)](#)
Subject: Omnibus Zoning Legislation - Testimony of Casey Anderson on behalf of Rodgers Consulting - Item 9 for PB Meeting of February 22, 2024
Date: Tuesday, February 20, 2024 11:08:41 AM
Attachments: [image00001.png](#)
[omnibus zoning legislation - casey anderson testimony to pb 2-22-24.odt](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

<!--[if lte mso 15 || CheckWebRef]-->

Casey Anderson has shared a OneDrive for Business file with you. To view it, click the link below.



[omnibus zoning legislation - casey anderson testimony to pb 2-22-24.odt](#)

<!--[endif]-->

Omnibus Zoning Revisions Testimony of Casey Anderson on behalf of Rodgers Consulting

The draft omnibus zoning legislation you are evaluating should be modified to ensure that the 2018 zoning rewrite is consistent with its stated purposes, the recommendations of area master plans, and the public interest in encouraging high-quality development that would bring badly-needed investment in amenities and infrastructure. The draft omnibus bill's limits on the use of Planned Development zones make it less likely that new subdivisions will preserve the character of their surroundings and provide the amenities Prince George's residents need and deserve.

For example, properties zoned R-A under the old zoning code were allowed to develop by right with single-family houses but were also eligible for the CDZ zone. The 2018 zoning rewrite abolished the R-A zone, "translating" it to the new AR zone. While the AR zone includes the same two-acre lot standard as the old R-A zone, Section 4302(a)(4) of the new code provides that only properties in a "Residential" base zone may apply for Residential Planned Development (R-PD) zoning. Section 27-4201 categorizes the AR zone as a "Rural and Agricultural Base Zone" even though it allows large-lot residential development, making the property ineligible to apply for R-PD zoning and the more flexible standards it provides.

The 2018 update was intended to modernize the zoning code and improve its ability to serve the county's land use goals, not to upend decisions embodied in existing master plans or make fundamental changes to the uses allowed under the old code.

Moreover, by neglecting to provide a mechanism to apply the Planned Development rules to residential development on properties in the AR zone, the new code's limits on R-PD zoning interfere with implementation of the master plan's guidance and preclude creative projects, encouraging property owners to develop large-lot subdivisions with minimal amenities. Without R-PD zoning, AR-zoned subdivisions will have fewer, larger lots, limiting opportunities to configure the layout to preserve historic views and protect sensitive environmental features such as trees and streams. R-PD zoning provides an opportunity to

negotiate for preservation of agriculture-related uses as well as amenities in exchange for slightly more density.

I want to emphasize that the use of PD zones is often appropriate outside the Beltway or major activity centers. Many AR-zoned properties are not in the Rural Tier or a Priority Preservation Area (PPA), and some are in rapidly growing areas only a mile or two beyond the Beltway.

The recommendations of area master plans can, should, and do limit where the use of PD zones is in the public interest. Where the relevant master plan included R-A zoning but also recommended higher development densities than allowed under the base zone, a rezoning to R-PD allows development in a manner consistent with the master plan's guidance.

The Solution: Expanded Eligibility for Planned Development Zoning – With Safeguards

Section 27-4301(a) of the zoning code says planned development zones are “intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development” by providing flexibility in lot sizes, form, the location of buildings, and the like in order to take advantage of cultural resources and environmental features and better integrate projects into their surroundings. Projects developed under a Planned Development zone are afforded flexibility not available under the base zone applicable to the property so they can be designed to achieve superior results.

The most straightforward solution for properties formerly zoned R-A would be to amend the locational standards in Section 27-4302(a)(4) to include AR-zoned properties, with additional standards added as a safeguard against unintended consequences. For example, this section of the code could be modified to specify that AR-zoned properties must be located in the Established Communities Growth Policy Area of Plan Prince George's 2035.

Modified eligibility for PD zoning would encourage thoughtful, context-sensitive residential development in areas where the county has recognized the need for new housing to achieve its land use objectives.

Thank you for your attention to our views.

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ClerkoftheCouncil@co.pg.md.us
djbrown@co.pg.md.us

County Council of Prince George's County, Maryland
sitting as the District Council

Honorable Sydney J. Harrison, District 9

Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive, Second Floor
Largo, MD 20774

**Re.: Written Testimony in Support of Modifications to Section 27-4302(a)(4)
within LDR-40-2024**

Councilmember Harrison:

We own property in your district located at 12700 Piscataway Road, 12720 Parker Lane, 12711 Parker Lane and Parcel 71 on Piscataway Road in Clinton, Maryland 20735, and although we do not currently have any plans to rezone or redevelop our property at this time, we wish to submit this letter in support of any amendment to LDR-40-2024 that seeks to modify Section 27-4302(a)(4) of the Zoning Ordinance in order to correct the very restrictive locational/geographical limitations related to the new Residential Planned Development Zone (R-PD); specifically, we fully support changes that would permit properties in the AR Zone to use the R-PD provisions.

Currently, Section 27-4302(a)(4) limits or restricts such a request to properties that are only in a "residential" base zone. Under the old zoning code, our property was zoned Residential Agricultural (R-A). It is my understanding that this zone was categorized as a Residential base zone in the old code. Even though the new AR Zone allows for different forms of residential development, just as the old A-R zoning did, it is now classified as a rural and agricultural base zone, and thus, currently unable to even seek the use of the R-PD regardless of Master Plan recommendations.

Property owners were told that the new Zoning Ordinance was intended to modernize the zoning code and improve its ability to serve the County's land use goals, not to upend decisions embodied in existing Master Plans or make fundamental changes to the uses allowed under the prior Zoning Ordinance. By neglecting to provide for a mechanism to apply the R-PD to residential development on properties in other base zones, like the AR Zone, the new Zoning Ordinance prevents the ability to implement the Master Plan and presents an obstacle to high-quality projects that are not only desirable, but necessary to achieve master plan and General Plan goals, not to mention other County policies.

We support a modification to the R-PD provisions that facilitates the ability for an AR Zoned property owner to have the option to seek a planned development designation, under

certain circumstances, while still making an effort to retain and/or promote agricultural characteristics of the property and/or surrounding area. Specifically, a property owner in the AR Zone should be allowed to request to use the R-PD provisions if the proposed project includes at least one agriculture or forestry related use. Modifying the eligibility for the R-PD Zone in this way would not only encourage thoughtful, context-sensitive residential development in predominantly rural areas where the County has recognized the need for new housing to achieve its land use objectives, but will also continue to ensure that any request for rezoning to the R-PD Zone would continue to conform to the area Master Plan and Plan 2035.

We are simply asking for the flexibility to keep up with the times and the ever-increasing expense it takes to own and operate a large family farm. Everyday families are losing their properties because they cannot afford to pay the taxes and operate their farms. The common misconception is that owners of large farm properties are wealthy individuals who can indefinitely hold their properties, but that couldn't be farther from the truth. Our farm has been in our family for over 150 years, and it has become increasingly harder to keep the property in the family. It pains us to think that we would have to sell our property to someone who may not have the best interest of the community at heart if we're unable to find creative, sustainable ways to extract value from our property. In our opinion, the proposed modification to the R-PD provisions would be the perfect solution to allow property owners like us to be noble stewards of the rural and agricultural character of the area that we have called home for decades.

For these reasons, we support any effort, under certain circumstances, to modify the R-PD provisions that includes property in the AR Zone.

Sincerely,


Name: Christopher Parker

February 20, 2024

Prince George's County Planning Board
1616 McCormick Drive
Largo, MD
20774

Re.: Written Testimony in Support of Modifications to Section 27-4302(a)(4) and LDR-40.

Prince George's County Planning Board Members:

We own property in your district located on Farm Road in Upper Marlboro, MD. We wish to submit this letter in support of any amendment to LDR-40 that seeks to modify Section 27-4302(a)(4) of the Zoning Ordinance in order to correct the very restrictive locational/geographical limitations related to the new Residential Planned Development Zone (R-PD); specifically, we fully support changes that would permit properties in the Agriculture Residential (AR) Zone to use the Residential- Planned Development (R-PD) provisions.

Currently, Section 27-4302(a)(4) limits or restricts such a request to properties that are only in a "residential" base zone. Under the old zoning code, our property was zoned Residential Agricultural (R-A). It is my understanding that this zone was categorized as a Residential base zone in the old code. Even though the new AR Zone allows for different forms of residential development, just as the old R-A zoning did, it is now classified as a rural and agricultural base zone, and thus, currently unable to even seek the use of the R-PD regardless of Master Plan recommendations.

Property owners were told that the new Zoning Ordinance was intended to modernize the zoning code and improve its ability to serve the County's land use goals, not to upend decisions embodied in existing Master Plans like the Subregion 6 Master Plan and Sectional Map Amendment and make fundamental changes to the uses allowed under the prior Zoning Ordinance. By neglecting to provide for a mechanism to apply the R-PD to residential development on properties in other base zones, like the AR Zone, the new Zoning Ordinance prevents the ability to implement the Master Plan and presents an obstacle to high-quality projects that are not only desirable, but necessary to achieve master plan and General Plan goals, not to mention other County policies. Our property not only follows the Master Plan it also has the following characteristics:

- Public water and sewer infrastructure stubbed to the property at three locations. And the property is in W/S Category 4.
- Three public ROWs stubbed to the property and all three are 60' or greater for vehicular access.

We support a modification to the R-PD provisions that facilitates the ability for an AR Zoned property owner to have the option to seek a planned development designation while still trying to retain and promote agricultural characteristics of the property and the surrounding area. Specifically, a property owner in the AR Zone should be allowed to request to use the R-PD

provisions if the proposed project includes at least one agriculture or forestry related use. Modifying the eligibility for the R-PD Zone in this way would encourage thoughtful residential development in predominantly rural areas where the County has recognized the need for new housing and will also continue to ensure that any request for rezoning to the R-PD Zone would continue to conform to the Subregion 6 Master Plan and countywide Plan 2035.

We are simply asking for the flexibility to keep up with the times and the ever-increasing expense it takes to own and operate a large family farm. Everyday families are losing their properties because they cannot afford to pay the taxes and operate their farms. The common misconception is that owners of large farm properties are wealthy individuals who can indefinitely hold their properties, but that could not be farther from the truth. Our farm has been in our family for over 50 years, and it has become increasingly harder to keep the property in the family. It pains us to think that we would have to sell our property to someone who may not have the best interest of the community at heart if we are unable to find creative, sustainable ways to extract value from our property. The proposed modification to the R-PD provisions would be the perfect solution to allow property owners like us to be noble stewards of the rural and agricultural character of the area that we have called home for decades.

For these reasons, we support any effort, under certain circumstances, to modify the R-PD provisions that includes property in the AR Zone.

Sincerely,

Sandra Troutman Wiseman and Diane Hickok

From: [Tom Mateya](#)
To: [PPD-PGCPB](#)
Cc: [Arthur Horne](#)
Subject: LDR-40 Legislation Request and our AR zone farm
Date: Tuesday, February 20, 2024 11:40:31 AM
Attachments: [LDR-40 Omnibus Bill Letter R-PD Support for the AR zone.docx](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

The attached letter is being submitted on behalf of the Troutman Family.

The Troutman family has been farming and operating an equestrian facility for years in Prince George's County. The family's intention is to continue with the farm and horse-riding operation. They want to pursue the development of one part of the farm and keep the equestrian operation going.

They are not certain how a Preliminary Plan of Subdivision can be prepared and submitted for acceptance prior to the April 1, 2024, deadline. They have worked with attorneys, consultants, and builders but there has been far too much risk introduced to allow the investment to be made to prepare the required reports and plans. The removal of the Text Amendments, then the limit on building permits has created too much risk.

Unless the zoning transition deadline is extended from April 1, 2024, to April 1. 2-26. They will need to be able to use the R-PD approach. Please consider including the AR zone for the reasons in their attached letter.

Thank you very much.

Tom Mateya

240-210-6135