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May 25, 2020

**VIA FIRST CLASS MAIL**

Joseph A. Fanone, Esq.  
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RE:                   **Zoning Opinion Letter for Amore Apollo**  
                          **9420 Grand Boulevard, Upper Marlboro, Maryland 20774**  
                          **5.10-acre parcel of land on Tax Map 0067, Grid E2, Plat 1 Parcel 3**  
                          **Plat Book SJH 242, p. 80 Recorded June 5, 2015**  
                          **Owner ~ Commons at Largo, L.P.**

Dear Mr. Fanone:

This firm has been retained to analyze whether the above-referenced property can be developed to accommodate 379 multi-family residential units, 4,489 square feet of commercial/retail, and related 419 space structured parking garage with specific interest in developing Parcel 3. Shipley & Horne, P.A. is a law firm which has experience in land use and zoning law for clients within Prince George's County, Maryland. As such, it is this firm's opinion that the above property conforms to all applicable zoning statutes and regulations and can be developed to accommodate up to 850 multi-family residential dwelling units as part of an overall multi-phased mixed-use development of residential and retail as follows:

Parcel 3	5.10 acres-multifamily	Phase II	Amore Apollo (379 units and retail)
Parcel 2	4.78 acres-multifamily	Phase I	Ascend (424 units and retail) *

\* Phase I residential building has been completed and occupied.

The subject property is the central piece of a larger 173-acre development formerly known as Largo Town Center, approved in the late 1970s, under the Major Activity Center (M-A-C) Zone comprehensive design zoning designation. The site and its immediate surrounding areas were retained in the M-A-C Zone in the 2004 Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas. The most recent Largo Town Center Sector Plan and SMA rezoned the subject site to the M-X-T Zone and superimposed a Development District Overlay (D-D-O) Zone on the property.

The project is subject to Preliminary Plan of Subdivision (PPS) 4-14011, which was approved by the Prince George's County Planning Board on February 5, 2015 (PGCPB Resolution No. 15-09). Final Plat 5-15044 was approved by the Planning Board on June 4, 2015 and was recorded in the Prince George's County Land Records in Plat Book SJH 242, Plat No. 80 (attached).

Detailed Site Plan DSP-14026 was found to be in compliance with the of the 2013 *Approved Largo Town Center Sector Plan and Sectional Map Amendment* (Largo Town Center Sector Plan and SMA), the M-X-T Zone and the Development District Overlay (D-D-O) Zone, and was approved by the Planning Board on February 12, 2015 (PGCPB Resolution No. 15-10) for two parcels, one outparcel (Outparcel A), and two outlots (Outlots 4 and 5) for a mixed-use development with 846 dwelling units and 19,024 square feet of gross floor area for commercial uses. Following the Planning Board's approval was reaffirmed by the Prince George's County District Council in their Order of Approval adopted April 28, 2019.

As noted above, the original Detailed Site Plan DSP-14026 application approved by the Planning Board covered the entire 19.9-acre site consisting of four development parcels. However, only two parcels south of Grand Boulevard (Phases I and II) are to be developed in accordance with the described program. Phase I construction is complete, and the mixed-use building is occupied by residents. The rest of the site north of Grand Boulevard (Phases III and IV) is designated as future development sites in this DSP and will be subject to additional Detailed Site Plan approval.

The development of the first two phases is divided by a private street known as Ascend Lane, which is parallel to Lottsford Road, and is connected to Harry S Truman Drive to the south and Grand Boulevard to the north. The subject Ascend Apollo (i.e., Phase I) building fronts on Grand Boulevard, Lottsford Road, Harry S Truman Drive, and Ascend Lane. All vehicular access to the site, including access to parking garages and loading spaces, is provided via Ascend Lane. Pedestrian access is provided at numerous locations by sidewalks along Grand Boulevard, Harry S Truman Drive, and Lottsford Road. Grand Boulevard leads directly to the existing Washington Metropolitan Area Transit Authority parking garage and the Largo Town Center Metro Station platform.

The site design of DSP-14026 also features an extensive linear open space along the site's Grand Boulevard frontage, with a plaza at the intersection of Ascend Lane and Grand Boulevard as a focal point, within a public use easement (PUE) to ensure access to the metro through the site. Landscape features such as varied plant materials, pavers, walking paths, accent landscaping boulders, lighting fixtures, and signage have been provided in the open space to create a visually diverse, interesting, and pedestrian-friendly environment.

The Detailed Site Plan DSP-14026-01 after an administrative Maryland-National Capital Park & Planning Commission (M-NCPPC) staff level review (i.e., not involving Planning Board action), was approved by Prince George's County Planning Director on February 12, 2018, for the existing 424 unit – Phase I Ascend Apollo multifamily residential building identified as 9400 Grand Boulevard, Largo, Maryland 20774. The approval permitted minor amendment to the approved

Detailed Site Plan to reflect field conditions uncovered during the construction of the Phase I building. The approved amendment did not include changes in the building footprint, building height, setbacks, parking compliance, and overall site design. As such, due to the nature of the minor changes, DSP-14026-01, it was exempt from the 2010 Landscape Manual, nor they necessitate a revision to TCP2-027-14 approved November 26, 2014.

A subsequent Detailed Site Plan DSP-14026-02 for the Phase II building affects the building footprint, architecture, and site location. This future building is being branded as the Amore Apollo, as submitted on the application. The six-story mixed-use building will consist of 379 multifamily dwelling units and 4,489 square feet of commercial/retail, and related 419 space structured parking garage. The original approval allowed for 850 multifamily dwelling units between the two phases and included 422 dwelling units in Phase II. The proposed amendment that was adopted by the Planning Board June 27, 2019 (PGCPB No. 19-75) will reduce the number of dwelling units in Phase II by 43. In rendering its approval, the Planning Board approved the following alternative development district standards to the Largo Town Center Sector Plan's design standards.

1. Urban Design Criteria: Build-to Line (page 136)—To allow the build-to line to move an additional 25 feet from the 25-foot build-to line along Harry S Truman Drive, to allow the building to accommodate a private utility line, for a total setback from the right-of-way of 50 feet.

The Amore Detailed Site Plan application was presented before the Prince George's County Council sitting as the District Council on July 22, 2019, which voted unanimously to forego holding a public hearing. Therefore, the Planning Board's resolution of approval PGCPB No. 19-75 (attached) is final.

Finally, this office requested and received a zoning verification letter from the Maryland-National Capitol Park and Planning Commission Information Center dated February 14, 2020, that confirms the subject property is Legally Conforming with all current applicable zoning and subdivision regulations; subject to Detailed Site Plan DSP-14026, and subsequent revisions (attached). On page four of the response letter from Planning Information Services confirmed that "Permit #9879-2019-CGU was approved on January 21, 2020 for the construction of an apartment complex containing 379 dwelling units, 4,489 square feet of retail space and a parking garage containing 419 parking spaces inclusive of public parking spaces for commercial shopping use and other associated amenities per DSP-14026/02."

It is important to note that on October 23, 2018, Prince George's County Council finished the first phase of a 4-year journey by adopting the new Zoning Ordinance and Subdivision Regulations to streamline development procedures, increase certainty of outcomes, and maximize the County's economic development and reduce and redesignate zoning classifications. The second step towards creating a 21st Century Zoning Ordinance and Subdivision Regulations for Prince George's County is implementing a Countywide Map Amendment. The Countywide Map Amendment is the process of visually applying the zoning categories in the New Zoning Ordinance onto geographic lands in

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the County. The Countywide Map Amendment is a technical, non-substantive mapping exercise that will replace the current zone on each property in the County with a similar new zone. At the conclusion of the next phase of this journey, all properties within Prince George's County will all have redesignated zoning classifications upon adoption of a County Wide Map amendment whose process is currently underway. The Subject property's Mixed-Use Transportation Oriented (M-X-T) Zone is proposed to be zoned Regional Transit-Oriented Center - High Intensity (core) (RTO-H-c) Zone under the Countywide Map Amendment (CMA). Among the purposes of the RTO-H-c Zone is to provide lands for high-intensity, vibrant, mixed-use centers that are intended to capture the majority of the County's future residential and employment growth and development, but will in no way alter the approval of the previously designated uses, nor does it alter the opinion set forth in this letter herein.

In reaching this opinion, this firm reviewed all pertinent sections of (a) the Land Use Article of the Annotated Code of Maryland; (b) the requirements of the Prince George's County Zoning Ordinance, specifically Sections 27-542 through 27-546 and Section 27-548 in the Mixed Use Transportation-Oriented (M-X-T) Zone, and Section 27-274, site design guidelines; (c) the 2013 *Approved Largo Town Center Sector Plan and Sectional Map Amendment* (Largo Town Center Sector Plan and SMA), (d) Preliminary Plan of Subdivision 4-14011 in 2015; (e) the Prince George's County Landscape Manual; (f) the Prince George's County Woodland Conservation and Tree Preservation Ordinance; (g) the Detailed Site Plan 14026 approved in 2015; and (h) revision to the Detailed Site Plan 14026-01 approved and certified on February 12, 2018. Additionally, as mentioned earlier, the new Prince George's County Zoning Ordinance adopted in 2018, and the proposed Countywide Map Amendment implies these zones were reviewed.

We are admitted to practice in the State of Maryland, and we express no opinion as to matters under or involving the laws of any jurisdiction other than the United States of America and the State of Maryland and its political subdivisions. This opinion is rendered solely to the persons/entities to which this letter is addressed in connection with the acquisition and development of the subject property and may not be relied upon by any other party or for any other purposes other than the purposes herein stated without our prior written consent.

Yours truly,

**SHIPLEY & HORNE, P.A.**



Arthur J. Horne, Jr.

AJH:fms

Enclosures

cc: Mr. Peter N.G. Schwartz  
Mr. Jeffrey Harris  
Alan C. Cason, Esq.