

PGCPB No. 16-65

## RESOLUTION

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, in conjunction with the Prince George's County Council, sitting as the District Council, pursuant to Sections 27-213.26 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the proposed Military Installation Overlay Zoning Map Amendment on April 5, 2016; and

WHEREAS, the Military Installation Overlay Zoning Map Amendment is proposed to apply the Military Installation Overlay Zone to properties within the designated Military Installation Overlay Zone Area as defined by the Impact Maps in Part 10C of the Zoning Ordinance; and

WHEREAS, the purpose of the Military Installation Overlay Zone is to protect the public safety, health, and welfare of the citizens and residents in the County through regulation of the development and use of structures and property to promote land uses compatible with operations at Joint Base Andrews, and to protect the safety and welfare of individuals in the area of Joint Base Andrews from the potential for aircraft accidents, and the adverse impacts that are known to be associated with high levels of noise emanating from flight operations, associated with proximity to Joint Base Andrews operations; and to protect the lives and safety of workers, visitors, and residents, while reducing interference with the military operations at Joint Base Andrews; and

WHEREAS, pursuant to Section 27-213.29 of the Zoning Ordinance, the District Council may, as part of its approval, reclassify the underlying zone of properties in the Safety Zones or High Intensity Noise Area of the Military Installation Overlay Zone to any other zone, subject to certain conditions; and

WHEREAS, such reclassifications are intended solely to increase conformance and compatibility with air operations at Joint Base Andrews; and

WHEREAS, the proposed Military Installation Overlay Zoning Map Amendment recommends the reclassification of 16 properties within the Military Installation Overlay Zone pursuant to Section 27-213.29; and

WHEREAS, during testimony for the April 5, 2016 Joint Public Hearing, five property owners in the Safety Zones or High Intensity Noise Area requested reclassification of their property pursuant to Section 27-213.29; and these reclassification requests, for Tax Account numbers 0451336, 0451351, 0451369, 0451377, 0451385, 0451393, 0478834, 0496158, 0496166, 0496174, 0627018, 0867788, and 0897694, were not subject to public inspection, review, or comment; and

WHEREAS, pursuant to Section 27-548.26 of the Zoning Ordinance, the District Council may amend the requirements of Development District Overlay Zones to change the boundary of a Development District Overlay Zone or eliminate conflicts between the requirements of a Development District Overlay Zone and the Military Installation Overlay Zone; and

WHEREAS, the requirements of the Military Installation Overlay Zone conflict with the requirements of the Marlboro Pike Development District Overlay Zone and the Southern Green Line Station Area Development District Overlay Zone; and

WHEREAS, on January 19, 2016, the Prince George's County Council, sitting as the District Council, initiated the Military Installation Overlay Zoning Map Amendment through CR-5-2016; and

WHEREAS, on May 12, 2016, the Planning Board held a public worksession on the proposed Military Installation Overlay Zoning Map Amendment to examine the staff analysis of testimony presented at the April 5, 2016 joint public hearing and exhibits received before the close of the record on April 20, 2016; and

WHEREAS, the Prince George's County Planning Board decided to recommend amendments to said Military Installation Overlay Zoning Map Amendment should the District Council reclassify, in response to public testimony, the 25.24-acre parcel of land known as "the Jabbok Property", tax account numbers 0451336, 0451351, 0451369, 0451377, 0451385, 0451393, 0496158, 0496166, and 0496174, to the Military Installation Overlay/Commercial Shopping Center (M-I-O/C-S-C) Zone, as follows:

**Page 37:** Amend the boundaries of the Marlboro Pike Development District Overlay Zone to exclude tax account numbers 0451336, 0451351, 0451369, 0451377, 0451385, 0451393, 0496158, 0496166, and 0496174. Amend Appendix B of the 2009 *Approved Marlboro Pike Sectional Map Amendment*, on pages 302-305, to remove these tax account numbers from the list of properties in the Low Intensity Business Park Character Area of the Marlboro Pike Development District Overlay Zone. Amend Figure X-4 on page 138 accordingly.

WHEREAS, the Prince George's County Planning Board decided to amend said Military Installation Overlay Zoning Map Amendment in response to said public testimony and additional information identified by staff in the May 12, 2016 public worksession and to transmit to the Prince George's County Council, sitting as the District Council, the endorsed Military Installation Overlay Zoning Map Amendment, with further amendments, extensions, deletions, and additions in response to the public record, as follows:

**Page 15:** Move the section titled “Public Rezoning Requests” from Page 40 to Page 15 and update as follows:

[As of February 5, 2016 no public requests for rezoning were received.]Five requests were submitted by the public for the reclassification of property within the High Intensity Noise Area and Safety Zones by the close of the Joint Public Hearing record on April 20, 2016:

<u>Address</u>	<u>PA</u>	<u>Tax Account(s)</u>	<u>Previous Zone</u>	<u>Proposed Zone</u>	<u>Requested Zone</u>	<u>Endorsed Zone</u>
<u>6600 Foxley Road</u>	<u>77</u>	<u>0897694</u>	<u>I-4</u>	<u>M-I-O/ I-4</u>	<u>M-I-O/I-2</u>	<u>M-I-O/I-2</u>
<u>3309 Springdale Avenue</u>	<u>75A</u>	<u>0627018</u>	<u>R-55</u>	<u>M-I-O/ R-55</u>	<u>M-I-O/ C-S-C</u>	<u>M-I-O/R-55</u>
<u>3700 Forestville Road</u>	<u>75A</u>	<u>0478834</u>	<u>C-S-C/ I-1</u>	<u>M-I-O/ C-S-C</u>  <u>M-I-O/ I-1</u>	<u>M-I-O/I-1</u>	<u>M-I-O/I-1</u>
<u>8150 Parston Drive</u>	<u>75A</u>	<u>0451336</u> <u>0451351</u> <u>0451369</u> <u>0451377</u> <u>0451385</u> <u>0451393</u> <u>0496158</u> <u>0496166</u> <u>0496174</u>	<u>D-D-O/ I-1</u>	<u>M-I-O/ D-D-O/ I-1</u>	<u>M-I-O/ D-D-O/ C-S-C</u>	<u>M-I-O/ D-D-O/ I-1</u>
<u>7900 Alexandria Ferry Road</u>	<u>81A</u>	<u>0867788</u>	<u>I-4</u>	<u>M-I-O/I-4</u>	<u>I-1 or C-M</u>	<u>M-I-O/I-1</u>

**Page 15:** Revise the number of proposed comprehensive rezoning changes from 18 to 19.

Page 33: Add Zoning Change 5 as follows:

Table 5. Zoning Change 5: I-1/C-S-C to M-I-O/I-1

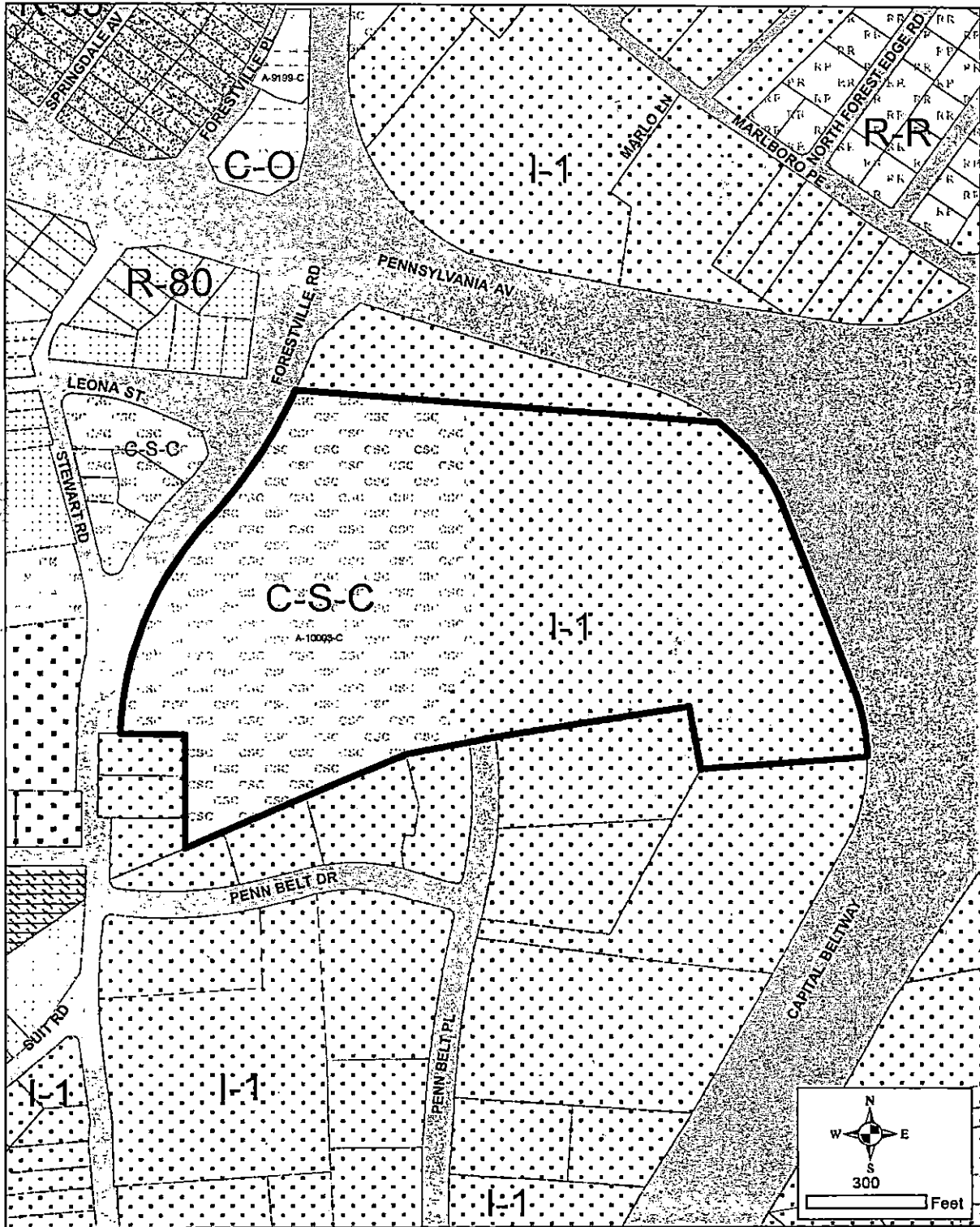
<u>Zoning Change</u>	<u>Areas of Change (Acres)</u>	<u>Approved SMA/ZMA/SE Number</u>	<u>Approved SMA/ZMA/SE Date</u>	<u>200' Scale Index Map</u>
<u>C-S-C/I-1 to M-I-O/I-1</u>	<u>16.34</u>	<u>SMA</u>	<u>July 1, 2010</u>	<u>205SE07</u>

DISCUSSION: The property owner requests an elimination of a split zoning granted by the District Council through Zoning Map Amendment A-10003 on March 23, 2010. That the property owner is requesting elimination of a split zoning the property owner originally requested further supports staff's recommendation of approval.

The subject property is located within Accident Potential Zone 1. Impacts from or to Joint Base Andrews will be mitigated by the regulations of the M-I-O Zone. The proposed rezoning is consistent with the 2010 *Approved Subregion 4 Master Plan*, which recommends industrial land use for the subject property.

<u>Property Address</u>	<u>Tax Map and Grid</u>	<u>Tax Account</u>	<u>Legal Description</u>	<u>Lot</u>	<u>Block</u>	<u>Parcel</u>
<u>3700 Forestville Road</u>	<u>89F1</u>	<u>0478834</u>	<u>L6865 F966</u>			<u>023</u>

MIOZMA Zoning Change 5: C-S-C/I-1 to M-I-O/I-1



Underline indicates new language  
[indicates deleted text]

Page 33: Add Zoning Change 6 as follows:

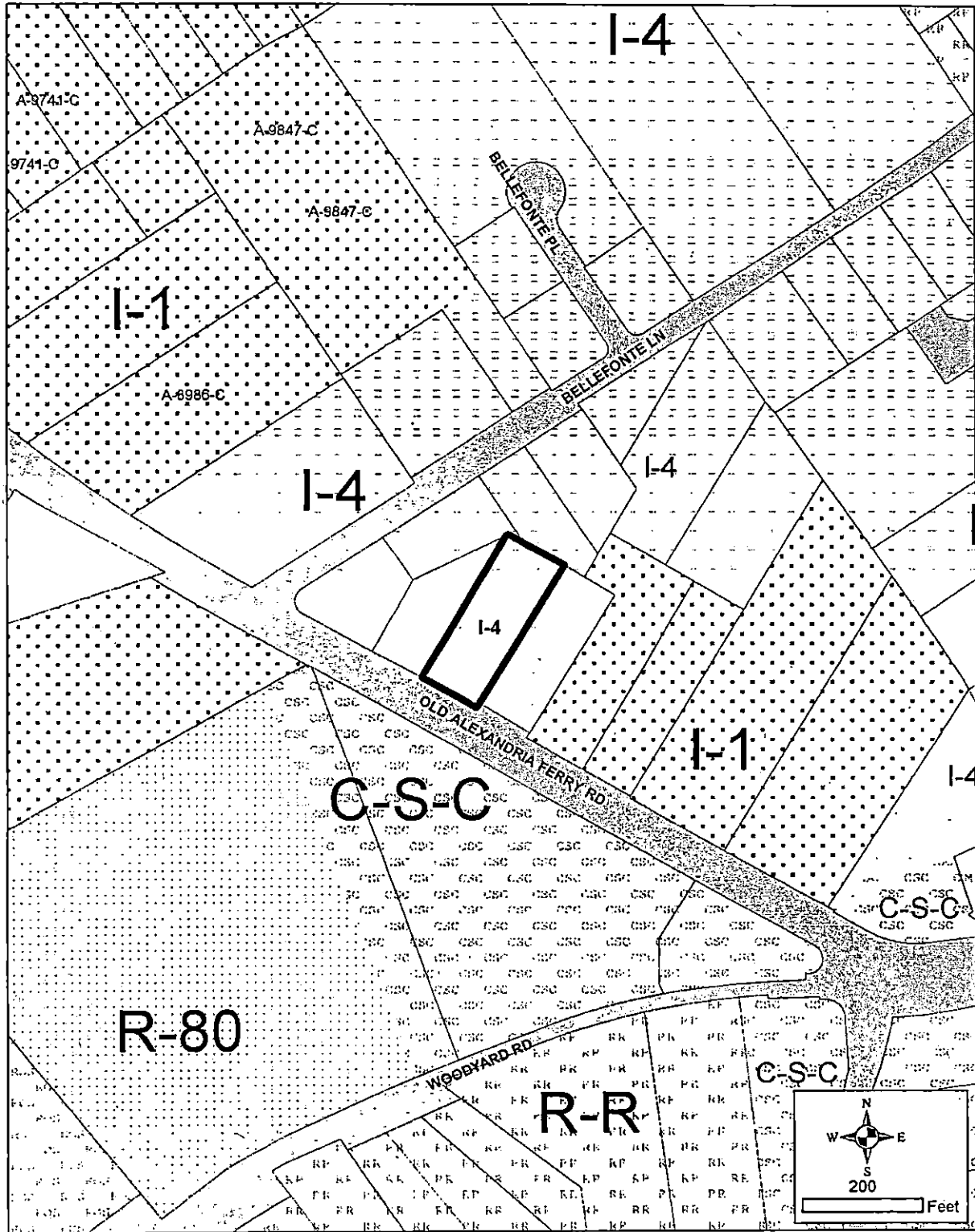
Table 6. Zoning Change 6: I-4 to M-I-O/I-1

<u>Zoning Change</u>	<u>Areas of Change (Acres)</u>	<u>Approved SMA/ZMA/SE Number</u>	<u>Approved SMA/ZMA/SE Date</u>	<u>200' Scale Index Map</u>
I-4 to M-I-O/I-1	0.702	SMA	July 24, 2013	211SE07

DISCUSSION: The subject property is located within Accident Potential Zone 1. Impacts from or to Joint Base Andrews will be mitigated by the regulations of the M-I-O Zone. The proposed rezoning is consistent with the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, which recommends industrial land uses for the subject property.

<u>Property Address</u>	<u>Tax Map and Grid</u>	<u>Tax Account</u>	<u>Legal Description</u>	<u>Lot</u>	<u>Block</u>	<u>Parcel</u>
7900 Old Alexandria Ferry Road	117A1	0867788	SW PT LT 62&PT 145 NCONF-USE HSE (REAO UT CY W/CHG 7-1-09			

**MIOZMA Zoning Change 6: I-4 to M-I-O/I-1**



Underline indicates new language  
[indicates deleted text]

**Page 33: Add Zoning Change 7 as follows:**

Table 7. Zoning Change 7: I-4 to M-I-O/I-2

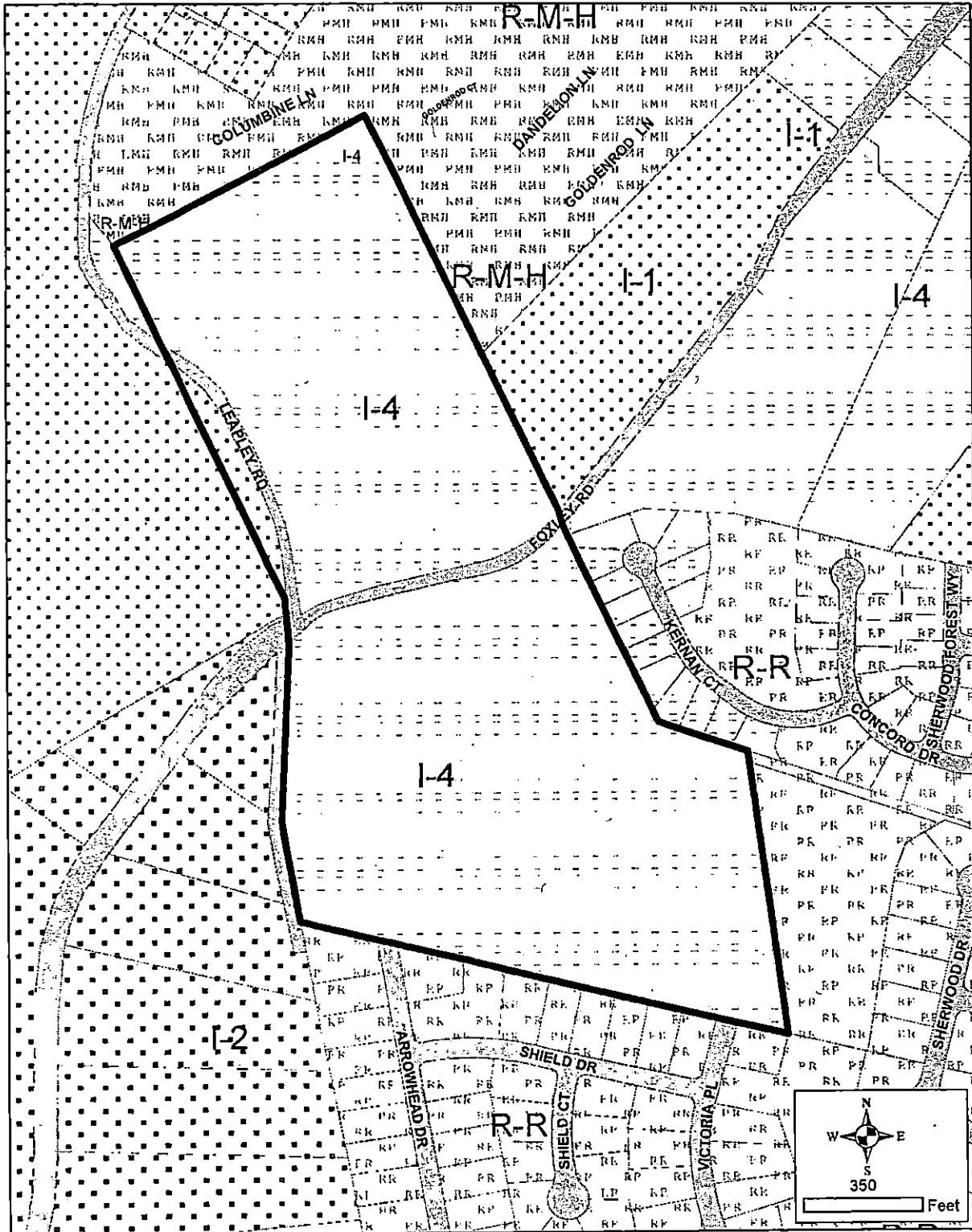
<u>Zoning Change</u>	<u>Areas of Change (Acres)</u>	<u>Approved SMA/ZMA/SE Number</u>	<u>Approved SMA/ZMA/SE Date</u>	<u>200' Scale Index Map</u>
I-4 to M-I-O/I-2	58.08	SMA	July 24, 2013	209SE08

DISCUSSION: The subject property is located within the High Intensity Noise Area. Impacts from or to Joint Base Andrews will be mitigated by the regulations of the M-I-O Zone. The impacts of future development of this property on neighboring properties will be mitigated at the time of approval of development applications.

<u>Property Address</u>	<u>Tax Map and Grid</u>	<u>Tax Account</u>	<u>Legal Description</u>	<u>Lot</u>	<u>Block</u>	<u>Parcel</u>
6600 Foxley Road	108D1	0897694	N CONF USE-HOUSE			064



MIOZMA Zoning Change 7: I-4 to M-I-O/I-2



Underline indicates new language  
[indicates deleted text]

**Pages 34-38:** Renumber all footnotes in the Marlboro Pike Development District Overlay Zone Tables of Uses from † through ††††† to “a” through “e”

**Page 35:** Prior to Amendment 1a, add the following amendment to the Marlboro Pike Development District Overlay Zone:

Amendment:

On page 141, under the last paragraph of Section 5, Exemptions, add the following language:

“The Zoning Ordinance continues to apply to the D-DOZ unless development district standards replace the requirement of the Zoning Ordinance. If an aspect of the proposed physical development of a project is not addressed by the development district standards, the character area goals and the intent statement of these standards most closely relating to that aspect shall apply. Notwithstanding the above, pursuant to Section 27-548.21 of the Zoning Ordinance, “where properties in a Development District Overlay Zone are also classified in the Military Installation Overlay Zone, the requirements of both zones shall apply. Where requirements of the D-D-O Zone and M-I-O Zone conflict, the more restrictive of the requirements shall apply.””

**Page 36:** Revise the first bullet as follows:

[Edit Footnote †† as follows: ††Use is prohibited if property is located within the flight path for Joint Base Andrews Naval Air Facility Washington in an Accident Potential Zone of the M-I-O Zone as defined by the 2007 Air Installation Compatible Use Zone Study for Joint Base Andrews Naval Air Facility Washington, as updated.]

“Throughout the Marlboro Pike Development District Overlay Zone and Tables of Uses, replace the following phrase:

‘2007 Air Installation Compatible Use Zone Study for Joint Base Andrews Naval Air Facility Washington, as updated’

with:

‘M-I-O Zone’”

**Page 36:** Add a bullet under Amendment 1d1 as follows:

- Amend the Tables of Uses for the Marlboro Pike Development District Overlay Zone to separate “church or similar place of worship”, which is permitted with limitations in the Safety Zones of the M-I-O Zone, from “convent, or monastery” which is prohibited in the Safety Zones of the M-I-O Zone

**Page 36:** Revise the list of uses to which Footnote b is to be applied as follows:

“Group residential facility (all types) [for not more than eight mentally handicapped dependent persons]”

**Page 36:** Add Footnotes a through e to all Tables of Uses

Underline indicates new language  
[indicates deleted text]

**Page 36:** In all Tables of Uses, add Footnote b to the following uses otherwise prohibited in Character Area 2, Commercial Mixed-Use, and/or Character Area 3, Low Intensity Business Park:

Adult day care center  
Adult rehabilitation center  
Amusement arcade (all)  
Amusement center  
Amusement park (all)  
Apartment hotel  
Apartment housing for elderly or handicapped families (all)  
Arena or stadium (all)  
Assisted living facility (all)  
Auditorium  
Bottled gas sales (all)  
Boarding house  
Carnival etc. (all)  
Chemical and Allied Manufacturing (all)  
Club, lodge, etc (all)  
Community building (all)  
Concrete recycling facility  
Congregate living facility (all)  
Country inn  
Day care center for children (all)  
Dry cleaning store or plant (ii and iii)  
Dwelling unit within a building containing commercial uses (C)  
Explosives, fireworks, or gunpowder manufacturing  
Hospital  
Multifamily retirement community  
Museum, aquarium, art gallery, cultural center, or similar facility (all)  
Nursing or care home (all)  
Performance arts center  
Petroleum, gas, and related products (all)  
Post office  
Recreational or entertainment establishment of a commercial nature (all)  
Rifle, pistol, or skeet shooting range (all)  
Sanitary landfill, rubble fill, or Class 3 fill  
School (F, G, and H)  
Surface mining  
Theatre (all)  
Transfer station

**Page 38:** Add Amendment 3 to the MIOZMA that amends the Southern Green Line Station Area Development District Overlay Zone to add the following language to the Applicability and Administration Section:

“Development district standards within this document replace comparable standards and regulations required by the Zoning Ordinance of Prince George’s County. Wherever a conflict between the Southern Green Line DDOZ and the Prince George’s County Zoning Ordinance or Landscape Manual occurs, the DDOZ shall prevail. For development standards not covered by the Southern Green Line DDOZ, the Zoning Ordinance and the Landscape Manual shall serve as the requirement as stated in Section 27-548.21. Notwithstanding the above, pursuant to Section 27-548.21 of the Zoning Ordinance, ‘where properties in a Development District Overlay Zone are also classified in the Military Installation Overlay Zone, the requirements of both zones shall apply. Where requirements of the D-D-O Zone and M-I-O Zone conflict, the more restrictive of the requirements shall apply.’ All development shall comply with all relevant federal, state, county, and local regulations and ordinances.”

WHEREAS, the Military Installation Overlay Zoning Map Amendment includes zoning changes enumerated and transmitted herein, accounting for varying acreage and zoning categories; and

WHEREAS, the Military Installation Overlay Zoning Map Amendment proposes amendments to the Marlboro Pike Development District Overlay Zone and the Southern Green Line Station Area Development District Overlay Zone; and

WHEREAS, the proposed Military Installation Overlay Zoning Map Amendment is an amendment to the Prince George’s County Zoning Ordinance, being an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George’s County; and

WHEREAS, in accordance with Section 27-213.28 of the Zoning Ordinance of Prince George’s County, the acceptance and processing of Zoning Map Amendment and Special Exception applications within the Military Installation Overlay Zone Area shall be postponed until after final action by the District Council on the Map Amendment; and

NOW, THEREFORE, BE IT RESOLVED, that the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby recommend APPROVAL of the Military Installation Overlay Zoning Map Amendment, as modified by the amendments contained within this Resolution and excluding the public rezoning requests submitted in public testimony for the reclassification of Tax Account Numbers 0451336, 0451351, 0451369, 0451377, 0451385, 0451393, 0496158, 0496166, 0496174, and 0627018; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby recommend DISAPPROVAL of the public rezoning requests submitted in public testimony for the reclassification of Tax Account Numbers 0451336, 0496174, 0496166, 0496158, 0451351, 0451369, 0451393, 0451377, 0451385, and 0627018; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board recommends that the County Council, sitting as the District Council, hold a public hearing prior to final approval of this Map Amendment to receive public testimony on the five zoning reclassification requests, Tax Account Numbers 0451336, 0451351, 0451369, 0451377, 0451385, 0451393, 0478834, 0496158, 0496166, 0496174, 0627018, 0867788, and 0897694, submitted by the public at the April 5, 2016 Joint Public Hearing; and

BE IT FURTHER RESOLVED that, should the District Council approve the public rezoning request for the reclassification of Tax Account Numbers 0451336, 0451351, 0451369, 0451377, 0451385, 0451393, 0496158, 0496166, and 0496174, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby recommend that the boundaries of the Marlboro Pike Development District Overlay Zone be amended to exclude tax account numbers 0451336, 0451351, 0451369, 0451377, 0451385, 0451393, 0496158, 0496166, and 0496174. Appendix B of the 2009 Approved Marlboro Pike Sectional Map Amendment, on pages 302-305, should, in this case, be amended to remove these tax account numbers from the list of properties in the Low Intensity Business Park Character Area of the Marlboro Pike Development District Overlay Zone and Figure X-4 on page 138 amended accordingly; and

BE IT FURTHER RESOLVED that in accordance with Section 27-213.27 of the Zoning Ordinance of Prince George's County, copies of the endorsed Military Installation Overlay Zoning Map Amendment will be transmitted to the District Council within thirty (30) days of adoption of the Planning Board resolution; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the Military Installation Overlay Zoning Map Amendment has been prepared in accordance with the requirements of Part 3, Division 2, Subdivision 8 of the Zoning Ordinance; and


BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the Military Installation Overlay Zoning Map Amendment, as heretofore described, is in conformance with the principles of orderly comprehensive land use planning, with consideration having been given to the applicable County Laws, Plans, and Policies; and

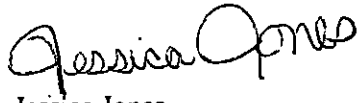
BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to Section 27-213.27 of the Zoning Ordinance, endorses the Military Installation Overlay Zoning Map Amendment by this resolution, including modifications and exclusions contained herein, and recommends that it be APPROVED as an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County.

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey and Hewlett voting in favor of the motion, and Commissioners Geraldo, and Shoaff opposing the motion, at its regular meeting held on Thursday, May 12, 2016 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of May 2016.

Patricia Colihan Barney  
Executive Director

**APPROVED AS TO LEGAL SUFFICIENCY**  
  
M-NCPPC Legal Department  
Date 6/8/16

  
Jessica Jones  
Planning Board Administrator

PCB:JJ:CW:MI