



Office of the Chairman
Prince George's County Planning Board

(301) 952-3561

January 16, 2023

The Honorable Thomas E. Dernoga
Chairman
Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive
Largo, MD 20772

Re: CB-21-2023

Dear Chairman Dernoga:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the February 16, 2023 Planning Board meeting, the following position was adopted in accordance with the Planning Department staff's recommendation on the proposed legislation. **A Planning Board Analysis of the bill is attached for your consideration and a brief excerpt from the report is provided below:**

***CB-12-2023 (DR-2)** This bill would amend the current Zoning Ordinance to provide a transitional period for development pursuant to authority in the prior Ordinance use tables, and to provide a limited alternative development standard for property in the IE Zone.*

Planning Board Recommendation: No Position with Amendments.
(See Attachment 1 for full analysis)

The Planning Board supports proposed section 27-1704(o). This clarification on use access aptly addresses the single most valid transition concern identified by the development community.

Additional clarity is necessary and appropriate to provide assurance to property and business owners that they can realize the financial potential of their development, by allowing existing and future development during an appropriate transition period, to accommodate uses and tenants anticipated by the project's original approvals.

Proposed Section 27-1704(n) grants a small subset of IE properties the opportunity to develop as if the properties were zoned CGO. The IE and CGO zones are very different. This language treats certain IE properties differently from all other IE properties, compromising the goal of having uniformity for all properties within a zone.

As the Planning Board noted in comments provided to the District Council on CB-69-2022, allowing former M-X-T properties to develop as if they had been rezoned to the CGO Zone in the CMA would constitute de facto rezoning outside the normal procedures for rezoning. If CGO is the appropriate zone, it would be preferable to rezone the affected properties via the soon-to-be-initiated Blue Line Corridor Sectional Map Amendment, a Zoning Map Amendment, or a Planned Development (PD) Zoning Map Amendment.

The Planning Board notes that the Blue Line Corridor Sector Plan and Sectional Map Amendment (SMA) are expected to be completed in FY 2025, and the SMA may well place Hampton Park in the CGO zone at that time. The SMA would be completed long before Hampton Park loses its ability to develop under its prior MXT zone, making CB-21 unnecessary.

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3595. Thank you, again, for your consideration.

Sincerely,



Peter A. Shapiro
Chair

Attachments

CB-21-2023 – Planning Board Analysis (Attachment 1)

This bill would amend the current Zoning Ordinance to provide a transitional period for development pursuant to authority in the prior Ordinance use tables, and to provide a limited alternative development standard for property in the IE Zone.

The Planning Board has the following comments for consideration by the District Council:

Background:

Significant discussion has taken place over the past six months in response to issues identified by the development community pertaining to transition and grandfathering provisions of the new Zoning Ordinance. The District Council directed Council staff, the Planning Board staff, and other stakeholders to work collaboratively to identify a series of legislative revisions to the new Zoning Ordinance to address valid concerns that have been raised. CB-21-2023 is the first of this series of proposed revisions.

CB-21-2023 proposes two new Subsections in the transition and grandfathering provisions.

The most consequential is a new Section 27-1704(o) that would allow any property in the County subject to the Zoning Ordinance to access the uses permitted by the property's former zone as that zone existed before the effective date of the Countywide Map Amendment.

Proposed Section 27-1704(n) would allow an 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 CMA to develop under the provisions of the new Zoning Ordinance for the CGO (Commercial, General and Office) Zone. The only properties that would be able to make use of subsection (n) are the properties covered by Conceptual Site Plan No. 14003 (Hampton Park), and possibly several additional properties adjacent to that development (see attached map).

Policy Analysis:

Bill Structure

The approach elected in CB-21-2023 to combine a broad, Countywide provision with a provision that applies to only one location in the County seems better suited to separate bills. Combining these topics raises concerns that result in a mixed recommendation.

Proposed Use Transition Language

The Planning Board supports proposed section 27-1704(o). This clarification on use access aptly addresses the single most valid transition concern identified by the development community. The transition and grandfathering provisions of the new Zoning Ordinance and Subdivision Regulations do a good job of providing fair and equitable provisions to protect development rights and the physical design of prior development and projects still in-process, but do not adequately address use transitions for existing development.

Additional clarity is necessary and appropriate to provide assurance to property and business owners that they can realize the financial potential of their development, by allowing existing and future development, during an appropriate transition period, to accommodate uses and tenants anticipated by the project's original approvals. Proposed 27-1704(o) offers an appropriate ten-year use transition time frame that balances equity and financial concerns of owners with the County's interest in making sure that buildings eventually comply with the County's new zoning law.

To improve the clarity of the proposed text, the Planning Board recommends that page 2, lines 9-11 be revised to simply reference March 31, 2022 and April 1, 2032. The revised text would be:

(o) Any use allowed on any property by the zoning classification that was in effect on March 31, 2022, may be permitted until April 1, 2032.

The Planning Board understands that there is interest in substantively amending the above text to cut off access to the March 31, 2022 use tables if a property is rezoned in the future at the applicant's request. The following text accomplishes this change:

(o) Any use allowed on any property by the zoning classification that was in effect on March 31, 2022 may be permitted 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.

The Council may also wish to consider cutting off access to the prior use tables after a property is rezoned by Sectional Map Amendment.

Proposed IE Development Regulations Language

Proposed Section 27-1704(n) grants a small subset of IE properties the opportunity to develop as if the properties were zoned CGO. The IE and CGO zones are very different. This language treats certain IE properties differently from all other IE properties, compromising the goal of having uniformity for all properties within a zone.

The term “assemblage” is not defined in the Zoning Ordinance, but this term is commonly applied to a group of lots or parcels that are the subject of a single development application. The properties covered by Conceptual Site Plan (CSP) No. 14003 (Hampton Park) appear to meet the requirements of the bill, because this assemblage includes properties abutting the inside of the Beltway and because the assemblage was rezoned from M-X-T to IE. The Hampton Park development is outlined on the attached map as Area 1. The properties outlined as Area 2 were also rezoned from M-X-T to IE but are not part of the Hampton Park assemblage. These properties theoretically would also be able to develop under the standards of the CGO zone if at some future date they assembled with properties adjacent to the inside of the Beltway.

As the Planning Board noted in comments provided to the District Council on CB-69-2022, allowing former M-X-T properties to develop as if they had been rezoned to the CGO Zone in the CMA would constitute de facto rezoning outside the normal procedures for rezoning. If CGO is the appropriate zone, it would be preferable to rezone the affected properties via the soon-to-be-initiated Blue Line Corridor Sectional Map Amendment, a Zoning Map Amendment, or a Planned Development (PD) Zoning Map Amendment.

The Planning Board notes that the Blue Line Corridor Sector Plan and Sectional Map Amendment (SMA) are expected to be completed in FY 2025, and the SMA may well place Hampton Park in the CGO zone at that time. The SMA would be completed long before Hampton Park loses its ability to develop under its prior MXT zone, making CB-21 unnecessary.

Since Hampton Park has been identified by Planning Board staff as the qualifying site for Section 27-1704(n), the Planning Board notes Hampton Park has largely completed construction on the County office building and retains approvals for development of the site that will remain valid for at least twenty years by virtue of its approved Conceptual Site Plan (CSP), pursuant to Section 27-1704(a) and the granting of twenty-year validity periods for CSP development.

The Planning Board identifies minor typos on page 2, line 8. For consistency, the zone abbreviation should appear first, and the full name of the CGO Zone is slightly off. The suggested revision would be: “CGO (Commercial, General and Office) Zone.”

Summary

The Planning Board supports proposed Section 27-1704(o) but do not support Section 27-1704(n). In addition to the potential alternative language to Section 27-1704(o) contain in the Proposed Use Transition Language discussion above, the following amendment should also be made:

Revise page 2, line 8 to read: “this Ordinance for development in the CGO (Commercial, General and Office) Zone.”

Impacted Property:

Proposed Section 27-1704(n) affects the Hampton Park development depicted on the attached map as Area 1 and might in future affect the properties depicted as Area 2. Proposed Section 27-1704(o) affects all property in the County excepting property located in the City of Laurel.

Following discussion, the Planning Board voted to take no position on CB-21-2023 with amendments.