



City of Bowie

Regular City Council Meeting

Tuesday, January 21, 2025
Council Chambers - 8 p.m.

AGENDA

- I. CALL MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. QUORUM**
- IV. AGENDA ADDITIONS/DELETIONS/AMENDMENTS**
- V. CITIZEN PARTICIPATION**
- VI. PRESENTATIONS**
- VII. CITY BOARDS AND COMMITTEES**
- VIII. COUNCIL ANNOUNCEMENTS**
- IX. CITY MANAGER'S REPORT**
- X. CONSENT AGENDA**
 - A.** Approval of December 2, 2024 Council Meeting Minutes
 - B.** Adoption of Resolution R-1-25 Authorizing the Issuance of a Purchase Order to Brudis & Associates, Inc. for Task Order/RFP #5-08 in the Amount of \$149,350.39 in Accordance with the Master Contract Approved on January 22, 2019
 - C.** Adoption of Resolution R-2-25 Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie and Awarding a Contract to Atlantic Machinery, Inc. in the Amount of \$388,961 for the Purchase of One Street Sweeper, through a Contract Let by the Virginia Sheriff's Association
 - D.** Adoption of Resolution R-3-25 Awarding a Professional Services Contract to PPR Strategies, Inc. for the Development and Implementation of an Economic Development Marketing Strategy in an Amount Not to Exceed Fifty Thousand Dollars (\$50,000.00)
 - E.** Adoption of Resolution R-4-25 Authorizing the Issuance of a Purchase Order to McLaren Technical Services, Inc. for Task Order/RFP #9-04 in the Amount of \$91,500 in Accordance with the Master Contract Approved on December 20, 2018
 - F.** Adoption of Resolution R-5-25 To Award the Professional Services-Development Plan Review, Engineering, & Design Services to Frederick Ward Associates, Inc. and Authorizing the Issuance of a Purchase Order to Frederick Ward Associates, Inc. for Task Order #1 in the Amount of \$162,000

- G. Adoption of Resolution R-6-25 Approving Application NCU-1-24, a Request for the Certification of an Existing Nonconforming Towing Business Located at 12705 10th Street, Bowie, Maryland
- H. Adoption of Resolution R-7-25 Awarding a Contract to CPP Construction Company for the Replacement of the Water Treatment Plant Filter System in the amount of \$1,986,000
- I. Adoption of Resolution R-8-25 Awarding a Contract for Construction Management as Advisor Services for the New Ice Arena Project
- J. Introduction of Ordinance O-1-25 Repealing in its Entirety and Re-Enacting with Amendments Chapter 26 “Zoning,” Article II “Municipal Zoning Authority” of the Code of the City of Bowie to Reflect Changes Required Due to the Prince George’s County Zoning Ordinance Rewrite and CB-015-2024, the Zoning Ordinance of Prince George’s County – Omnibus Bill
- K. Introduction of Ordinance O-2-25 Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2024 and Ending June 30, 2025, As Embodied in Ordinance O-4-24 and Amended by Ordinance O-7-24, to Appropriate Funds for the Following Projects: \$185,000 for Additional Bulk Trash Collection, \$389,000 for Funding for a Replacement Street Sweeper, \$590,000 for Street Resurfacing, \$8,200 for the Parks and Grounds Agricultural Building, \$143,000 for the Driving Range Rehabilitation, \$41,500 for Lowlift Pump Station Rehabilitation and \$286,000 for the Water Treatment Plant Filter System Replacement

XI. OLD BUSINESS

XII. NEW BUSINESS

- A. Budget Guidance for FY 2026 - The Finance Department will provide trend information and major themes to City Council for the upcoming FY 2026 Budget process.
- B. Detailed Site Plan DSP-20003-03, Chipotle at Mill Branch Crossing - Edward Gibbs, an attorney for Green Branch LLC, will present to Council the Detailed Site Plan DSP-20003-03, Chipotle at Mill Branch Crossing, for evaluation and approval - **Public Hearing/Eligible for Action**
- C. Preliminary Plan of Subdivision PPS-4-23041 Redeemed Christian Church of God/Victory Temple - **Public Hearing/Eligible for Action**
- D. Greater Bowie Chamber of Commerce Grant Proposal - **Eligible for Action**
- E. Council Discussion on Stop Sign Designation and Placement
- F. Council Discussion on City of Bowie Shopping Center Standards

XIII. ADJOURNMENT

Note: The Ethics Commission has advised that under certain circumstances, members of the public may qualify as lobbyists when they testify before the City Council. If so, the Bowie Ethics Ordinance requires that certain information be filed with the Ethics Commission. Please review the information about lobbying that is provided with the City Clerk. If you have any questions about lobbying, please contact the Ethics Commission or the Assistant City Manager.

This meeting will be televised live on Verizon Channel 10 and Comcast Channel 71 and 996, repeated on 1/22/2025 and 1/25/2025 at 7:00 p.m., and [web-streamed live](#).

For a closed-captioned version of the meeting video, please go to <https://www.youtube.com/user/cityofbowiemd/playlists> and select the 2025 Council Meetings list. Once the meeting video opens, be sure to click on “CC” button to turn on closed captioning.

NEXT REGULAR MEETING OF THE BOWIE CITY COUNCIL - MONDAY, FEBRUARY 3, 2025 - COUNCIL CHAMBERS - 8:00 P.M.

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, DECEMBER 2, 2024

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, December 2, 2024, in Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:02 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Adams led the Pledge of Allegiance to the Flag of the United States of America.

QUORUM:

In attendance were Mayor Adams, Councilmembers Brady, Estève, Ndebumadu, Rogers, Truesdale and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez and Staff.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mayor Adams motioned to move Item E under Consent Agenda, Introduction of Ordinance O-1-25 Repealing in its Entirety and Re-Enacting With Amendments Chapter 26 "Zoning," Article II "Municipal Zoning Authority" to the January 6, 2025 Council meeting. Councilmember Truesdale second the motion. Motion passed 7-0.

Councilmember Brady motioned to add under New Business a discussion on directing staff to speak with the County to possibly reschedule their public hearing for Redeemed Christian Church of God, Victory Temple. Mayor Pro Tem Woolfley second the motion. Motion passed 7-0.

CITIZEN PARTICIPATION:

1. Shaw Taylor – Worked on a book on slaves from Bowie requesting a written recognition from Council supporting the book.
2. Les Kaunitz, Rambling Lane – Commented that tonight's meeting packet is quite large and hopes Council truly reviewed the documents as they contain pertinent information for the future of the City.
3. Jessie Blunt – Questioned if Mr. Jesse Buggs is the person to contact in regard to HUD questions in the City.

PRESENTATIONS:

Members of the Old Bowie Arts and Heritage Committee along with Council, presented certificates of appreciation to the many volunteers that helped on the 2024 Old Town Bowie Celebrates Festival.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-In:

1. Councilmember Rogers motioned to appoint Mr. Kevin Lopez Cruz to the Diversity Committee as a Regular Member for a 2-year term. Mayor Pro Tem Woolfley seconded the motion. Motion passed 7-0.

Mayor Adams swore in Mr. Lopez to the committee.

COUNCIL ANNOUNCEMENTS:

Councilmember Esteve thanked staff and volunteers for the work on putting together the Old Town Bowie Festival.

Councilmember Truesdale wished residents a Happy Thanksgiving.

CITY MANAGER'S REPORT:

City Manager Lott reported that solicitation for bulk trash pick-up will be going out this week and if accepted, it will come before Council in January for a budget amendment..

CONSENT AGENDA:

Mayor Pro Tem Woolfley motioned to approve Consent Agenda items: A) Approval of November 18, 2024 Council Meeting Minutes; B) Adoption of Resolution R-84-24 Accepting a Proposal for Water Tank Maintenance Services with Southern Corrosion, Inc. in the Amount of \$80,314.00; C) Adoption of Resolution R-85-24 Accepting a Proposal for Police Department Marketing Services for Recruitment of Police Personnel with First Arriving, LLC in the Amount of \$50,650; D) Adoption of Resolution R-86-24 Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie to Allow the City of Bowie to Accept the Quote of MCCI, LLC, and Authorizing the City Manager to Enter Into an Agreement for Laserfiche Software. Councilmember Esteve seconded the motion. Motion passed 7-0.

OLD BUSINESS:

None.

NEW BUSINESS:

A. Detailed Site Plan DSP-20003-02, Popeye's Restaurant at Mill Branch Crossing – Planning Director, Joe Meinert summarized the staff report. The Developer, Kuulipug, LLC is requesting the City Council's approval recommendation regarding a Detailed Site Plan for a new 3,047 square foot eating and drinking establishment with drive-thru at Mill branch Crossing. The subject property includes 1.05 acres and is located on parts of Outlots 9-10 on the west side of proposed Lola Drive, adjacent to US 301, in the CGO (Commercial General Office) Zone.

Mr. Edward Gibbs with law offices Gibbs and Haller, representing the developer, stated that they agree with staff recommendations except for the two-way driveway aisle located between the restaurant building and Saint Lola Lane be converted to a one-way aisle and outdoor seating. Mr. Meinert stated that staff does withdraw the two recommendations that Mr. Gibbs mentioned as they were comments presented by Planning Board and not recommendations. The only recommendation will be a minimum of

two bike racks near the entrance to the restaurant and proposed site lighting fixtures shall be full cut-off fixtures, to avoid unnecessary light spillover and glare on adjacent roadways and properties.

Councilmember Truesdale motioned to approve DSP-20003-02 with the 2 conditions recommended by staff. Councilmember Rogers second the motion. Motion passed 5-1-1 (Woolfley-Nay, Ndebumadu-Abstain).

B. Energy Efficiency and Conversation Strategy – The City obtained the services of Loring Consulting Engineers to create an Energy Efficiency and Conservation Strategy (EECS) as part of the Energy Efficiency and Conservation Block Grant program through the Department of the Environment. The EECS requires the City to benchmark energy usage in core facilities and the City fleet provide a baseline as well as energy conservation measures (ECMs) for meeting both internal and external goals and policies such as the Maryland Building Energy Performance Standards (BEPS) for buildings over 35,000 sq. ft. Staff recommends Council accept the EECS as the blueprint for City actions and guidance.

Representatives of Loring Consulting summarized the report. A few recommendations include modifying the HVAC occupancy schedule to match building hours, implementing hot water temperature reset, replace existing fuel-fired furnaces with heat pumps.

Mayor Adams thanked them for the summary.

C. Economic Development Committee Recommendations on Attracting Restaurants - EDC Chair, Yolanda Muckle and member Billy Louis presented their recommendations to Council which include advocating for zoning changes supporting residential development that increase density at appropriate locations, assist retailers in navigating the county permitting process, request an ombudsman at DPIE to coordinate with EDC on permitting issues. (Copy of letter and recommendations attached).

D. Adoption of Resolution R-82-24 Adopting the Housing and Community Development Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2023 (HUD FY22) – Mr. George Jones, Grant Administrator, summarized the resolution. The City receives Community Development Block Grant funds from the US Department of Housing and Urban Development through an entitlement. During program year 2023 the City received \$196,485 to support the Single Family Housing Rehabilitation Program, Fair Housing Training and Workforce Development Training.

Public Hearing:

Since no one signed up to speak and no comments were received via email, Mayor Adams declared the Public Hearing to have been held.

Mayor Pro Tem Woolfley motioned to adopt Resolution R-82-24. Councilmember Brady second the motion. Motion passed 6-0 (Esteve not present).

E. Adoption of Resolution R-83-24 Adopting the Housing and Community Development Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2024 (HUD FY23) - Mr. George Jones, Grant Administrator, summarized the resolution. The City receives Community Development Block Grant funds from the US Department of Housing and Urban Development through an entitlement. During program year 2024 the City received \$188,403 to support the Single Family Housing Rehabilitation Program, Fair Housing Training and Workforce Development Training.

Public Hearing:

Since no one signed up to speak and no comments were received via email, Mayor Adams declared the Public Hearing to have been held.

Mayor Pro Tem Woolfley motioned to adopt Resolution R-83-24. Councilmember Rogers seconded the motion. Motion passed 7-0.

F. Council discussion on hosting a Prince George's County Municipal Association (PGCMA) meeting – The City is a member of PGCMA which holds monthly meetings within all the municipalities in Prince Georges County. Council concurred to host a meeting in the spring.

G. Discussion on directing staff to speak with the County to possibly reschedule their public hearing for Redeemed Christian Church of God, Victory Temple – Councilmember Brady requested to have staff contact the County to reschedule the public hearing from December 5th to possibly late January or February, in order for the City to have time to meet with the developer and discuss the proposed extension of Dew Drive and whether it should be annexed into the City. Council concurred with this request; staff will contact the County.

ADJOURNMENT:

Mayor Pro Tem Woolfley motioned to adjourn the regular City Council meeting. Councilmember Rogers seconded the motion. Motion passed 7-0. The meeting adjourned at 11:15 p.m.

Awilda Hernandez, MMC
City Clerk



City of Bowie

15901 Fred Robinson Way
Bowie, Maryland 20716

November 26, 2024

City Council
City of Bowie
15901 Fred Robinson Way
Bowie, MD 20716

Dear Council:

The City of Bowie Economic Development Committee (EDC) investigated attracting restaurants to Bowie. A dedicated working group spent several months learning about the needs of potential restaurants when they are considering a new location and what it takes to attract them to the City. These are the EDC's seven recommendations to the City Council:

1. Connect existing restaurants with resources and organizations such as Employ Prince George's to improve the workforce and quality of service.
2. Foster an environment that encourages residents to support existing restaurants and publicize thriving restaurants (i.e. Restaurant Week).
3. Create and maintain a list of second-generation restaurant spaces.
4. Advocate for zoning changes and support residential development that increase density at appropriate locations.
5. Create a dedicated role or increase support to an existing role with responsibility to assist retailers in navigating the county permitting process.
6. Collaborate or form a coalition with other municipalities and industry groups seeking to address the permitting challenges in the County to foster alignment and elevate partnership with permitting entities.
7. Request a special ombudsman at the County's Department of Permits, Inspections, and Enforcement (DPIE) to coordinate with City staff (and all interested County municipalities) on permitting issues.

FOR THE ECONOMIC DEVELOPMENT COMMITTEE:

Yolanda Muckle
Chair

Attachments:

Bowie Economic Development Committee Restaurant Working Group Report November 2024

MAYOR Timothy J. Adams

MAYOR PRO TEM Dufour Woolfley

COUNCIL Dennis Brady • Michael P. Estève • Roxy Ndebumadu • Wanda Rogers • Clinton Truesdale, Sr. **CITY MANAGER** Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

**Bowie Economic Development Committee
Restaurant Working Group Report
Revised November 2024**

Members: Erica Kennedy, Kevin Kennedy, Billy Louis, Michael Oleru, Chris Rizzi

A common theme in a 2023 survey conducted by the Economic Development Committee (EDC) was a desire to attract high quality restaurants to the city of Bowie. Subsequently, at its July 2024 meeting, the EDC formed a working group to propose recommendations to address this issue.

To kick start the process, the working group referred to an October 2023 panel discussion featuring retail property owners, economic development professionals and elected officials to discuss the state of retail in the city of Bowie. Among the panelists were Larry Hentz, Executive Director of Business Development at the Prince George's County Economic Development Corporation and Zina Redfearn of Washington Prime Group (Bowie Town Center). The working group reached back out to these two professionals who are in the business of attracting new business for advice on how to attract quality restaurant groups.

In addition to engaging Mr. Hentz and Ms. Redfearn, the working group attended an International Council of Shopping Centers (ICSC) webinar titled Real Estate Trends Fueling Restaurant Franchises and interviewed a broker representing Darden, owner of brands such as Seasons 52 and Ruth's Chris Steak House as well as Olive Garden and Longhorn. Below is a summary of the key takeaways from these activities:

- Demographics- Since Bowie is competing with surrounding areas, demographics must be compatible with other locations that currently have the high-end restaurants being sought. The industry's preference is for high income and densely populated markets.
- Retail Mix/Co-tenancy- Restaurants are more likely to be successful at retail locations with the right mix of retail.
- Existing Restaurants- The performance of existing restaurants is indicative of the probability of success of new restaurants. Existing restaurants must be thriving to attract new restaurants. Because of the significant investment required to open a new restaurant, operators tend not to be trailblazers and are more likely to explore a market in which their cohorts are thriving.
- Homegrown Restaurants- There is opportunity to support local entrepreneurs by creating space for food halls and food trucks, which also creates a variety of dining options.
- Density- Daytime and residential population must be sufficient to support 1 table-turn at lunch and 2 table-turns at dinner. Restaurants need approximately 500 diners per week to be profitable assuming they are open 6 days a week.

- Economic Environment- Inflation has driven up the cost of dining, and consumers are being more discerning about where they eat. Higher priced fine dining options are likely to be impacted by a pullback in spending and less likely to open new locations.
- Permitting- The county's lengthy and cumbersome permitting process continues to be a barrier to entry. Feedback from developers, architects and small business owners is that the permitting challenges typically result in a 25-30 percent premium in design/consulting fees compared to other counties. The process has been described as demoralizing and time consuming, leading some architects and consultants to stop doing business in the county and those that remain elect to charge higher fees due to the process and perhaps less competition. The increase in design/consulting fees to obtain permits puts a financial strain on small businesses before they can even open for business, diverting limited resources that would otherwise be used to launch and sustain businesses.
- Quality Improvement- Bowie residents travel outside the city and county to visit restaurants perceived to deliver better service and quality food.

Based on these takeaways, the Working Group recommends the following actions:

1. Connect existing restaurants with resources and organizations such as Employ Prince George's to improve workforce and quality of service.
2. Foster an environment that encourages residents to support existing restaurants and publicize thriving restaurants (i.e. Restaurant Week).
3. Create and maintain a list of second-generation restaurant space.
4. Advocate for zoning changes and support residential development that increase density at appropriate locations.
5. Create a dedicated role or increase support to an existing role with the responsibility to assist retailers in navigating the county permitting process.
6. Collaborate or form a coalition with other towns and industry groups seeking to address the permitting challenges in the county to foster alignment and elevate partnership with permitting entities.
7. Request a special ombudsman at DPIE to coordinate with Bowie EDC on permitting issues.



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: RFP/Task Order #5-08 Reconstruct 5th Street Design
Resolution R-1-25

DATE: 01/16/2025

On January 22, 2019, and February 20, 2019, the City entered into an Architect/Engineering Open End Agreement with Brudis & Associates, Inc. (BAI) of Columbia, MD, McLaren Technical Services, Inc. (McLaren) of Baltimore, MD, A. Morton Thomas & Associates, Inc. (AMT) of Rockville, MD and EBA Engineering, Inc. (EBA) of Laurel, MD for Category 5-Roadways/Bridges Design. Professional Services delivered through these Agreements are negotiated and procured on a Task Order basis as the City's needs arise.

On November 15, 2024, the Public Works Department advertised a Notice of Intent to Negotiate for RFP/Task Order #5-08 Reconstruct 5th Street Design under the Architect/Engineering Open End Agreement. For this project, the \$100,000 cap on Proposals was removed. Proposals were accepted from BAI and McLaren which have Open End Professional Services Agreements with the City for Roadways/Bridges Design. For this task, the Proposal from BAI was selected based on cost, capacity to perform in a timely manner and understanding of the project.

In accordance with City Charter Section 61(b)(4), a total fee of \$149,350.39 for the required services was negotiated. This fee includes the Base Task \$122,380.31 and Construction Phase Services for \$26,970.08. This is within the amount budgeted in the FY25 Streets Resurfacing Budget.

The Public Works Department recommends that Council authorize the issuance of a Purchase Order to BAI for Task Order/RFP #5-08 pursuant to the Master Contract approved on January 22, 2019.

I concur with the recommendation of the Public Works Department and request your approval of Resolution R-1-25.

ATTACHMENTS: 1. 20250121 - Resolution R-1-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO BRUDIS &
ASSOCIATES, INC. FOR TASK ORDER/RFP #5-08 IN THE AMOUNT OF
\$149,350.39 IN ACCORDANCE WITH THE MASTER CONTRACT APPROVED
ON JANUARY 22, 2019

WHEREAS, on November 15, 2024, the Public Works Department advertised a Notice of Intent to Negotiate for RFP/Task Order #5-08 for the Reconstruct 5th Street Design; and

WHEREAS, an RFP was issued to four (4) firms which have open end professional services agreements with the City. These firms include Brudis & Associates, Inc. (BAI) of Columbia, MD, McLaren Technical Services, Inc. (McLaren) of Baltimore, MD, A. Morton Thomas & Associates, Inc. (AMT) of Rockville, MD and EBA Engineering, Inc. (EBA) of Laurel, MD; and

WHEREAS, for this project, the \$100,000 cap on Proposals was removed. Proposals were accepted from BAI and McLaren which have Open End Professional Services Agreements with the City for Roadways/Bridges Design. For this task, the Proposal from BAI was selected based on cost, capacity to perform in a timely manner and understanding of the project; and

WHEREAS, in accordance with City Charter 61(b)(4) a total fee of \$149,350.39 for the required services was negotiated. This fee includes the Base Task \$122,380.31 and Construction Phase Services for \$26,970.08. This is within the amount budgeted in the FY25 Streets Resurfacing Budget.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Bowie, Maryland that the Council authorizes the issuance of a Purchase Order to BAI for Task Order/RFP #5-08 pursuant to the Master Contract approved on January 22, 2019.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Meeting on January 21, 2025.

ATTEST:

THE CITY OF BOWIE, MARYLAND

 Awilda Hernandez, MMC
 City Clerk

 Timothy J. Adams
 Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Waive Bidding for Replacement of Street Sweeper #216
Resolution R-2-25

DATE: 01/16/2025

The street sweeper truck, operated by the streets division of Public Works, is scheduled for replacement in FY2032. However, in October 2024, the street sweeper truck caught fire, and the Local Government Insurance Trust (LGIT) declared it a total loss.

The Public Works Department located a contract awarded by the Virginia Sheriff's Association, to Atlantic Machinery, Inc. (Contract #25-06-0711), including street sweeper trucks meeting the needs of the streets division. The cost of the street sweeper is \$388,961.

The Department investigated whether better results might be obtained through a City-initiated competitive procurement process, by obtaining several quotations from local dealers. All the quoted prices received were significantly greater than the price offered under the Virginia Sheriff's Association contract. Therefore, in the Department's judgment, good cause exists under Section 61(b)(3) of the Charter to waive the competitive procurement requirements of Section 62. The waiver requires an affirmative vote of 2/3 of the Council.

The City has reserved \$75,900 in the Equipment Acquisition and Replacement Fund for this acquisition. The purchase will require a transfer from the General Fund in the amount of \$313,061 to fund the full purchase price of \$388,961. If approved, staff will include the purchase price of \$388,961 in the Emergency Ordinance scheduled for Council presentation on January 21, 2025.

In accordance with the City Charter Section 61, we are requesting that Council waive bidding requirements and allow for the issuance of a purchase order to Atlantic Machinery, Inc. in the amount of \$388,961.

I concur with the above recommendation and request your approval of Resolution R-2-25.

ATTACHMENTS: 1. 20250121 - Resolution R-2-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
WAIVING THE COMPETITIVE BIDDING REQUIREMENTS OF SECTION 61
“PURCHASING AND CONTRACTING” OF THE CHARTER OF THE CITY OF BOWIE AND
AWARDING A CONTRACT TO ATLANTIC MACHINERY, INC. IN THE AMOUNT OF
\$388,961 FOR THE PURCHASE OF ONE STREET SWEEPER, THROUGH A CONTRACT
LET BY THE VIRGINIA SHERIFF’S ASSOCIATION

WHEREAS, a street sweeper truck, used by the streets division of the Public Works Department, was scheduled for replacement in FY2032; and

WHEREAS, the Public Works Department located a contract awarded by the Virginia Sheriff’s Association, to Atlantic Machinery, Inc. (Contract #25-06-0711), including street sweeper trucks meeting the needs of the streets division; and

WHEREAS, the Department investigated whether better results might be obtained through a City-initiated competitive procurement process, by obtaining several quotations from local dealers; and

WHEREAS, all prices received were significantly greater than the price offered under the Virginia Sheriff’s Association contract; and

WHEREAS, in the Department’s judgment, good cause exists under Section 61(b)(3) of the Charter to waive the competitive procurement requirements of Section 62; and

WHEREAS, the waiver requires an affirmative vote of two-thirds of the Council; and

WHEREAS, the City has reserved \$75,900 in the Equipment Acquisition and Replacement Fund for this acquisition. The purchase will require a transfer from the General Fund in the amount of \$313,061 to fund the full purchase price of \$388,961; and

WHEREAS, if approved, staff will include the purchase price of \$388,961 in the Emergency Ordinance scheduled for Council presentation on January 21, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Bowie, Maryland, by at least two-thirds vote, that:

Section 1. The competitive bidding requirements of Section 61 of the Bowie City Charter are for good cause shown, hereby waived.

Section 2. The City Manager is hereby authorized to issue a purchase order to the said company for the above-mentioned equipment.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland, at a meeting on January 21, 2025, by a vote of at least two-thirds of the members of the Council.

ATTEST:

CITY OF BOWIE, MARYLAND

 Awilda Hernandez, MMC
 City Clerk

 Timothy J. Adams
 Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Contract for Economic Development Marketing Strategy
Resolution R-3-25

DATE: 01/16/2025

Council requested an Economic Development Marketing Strategy be prepared for the City and budgeted \$50,000 for the project in the City's FY 2025 approved budget. After discussion with Council, staff prepared a scope of work and a Request for Proposal (RFP). The City received four responses to the RFP. Each was evaluated by a four-member review team using these evaluation criteria: [15%] Qualifications and experience of the project team members; [15%] Technical capabilities as shown by examples of previous similar work; [20%] Vendor experience with economic development, commercial real estate, or community development marketing; [25%] Demonstrated understanding of the scope of work and proposed approach to the project; [25%] Total price.

PPR Strategies	\$50,000
Retail Strategies	\$150,000 (\$50,000 per year for 3 years)
Streetsense	\$50,000
Trajectory	\$47,000

PPR Strategies, Inc. emerged as the company that submitted the most responsive and responsible proposal with consideration given to the items enumerated in Sec. 61 of the City Charter and the criteria established in the RFP. PPR Strategies, Inc. was chosen because it had the requisite experience and its cost proposal was within the parameters of the approved budget.

Staff recommends that the City Council award a contract to PPR Strategies, Inc. to develop and implement an Economic Development Marketing Strategy for the City of Bowie in an amount not to exceed Fifty Thousand Dollars (\$50,000.00).

I request your approval of Resolution R-3-25.

ATTACHMENTS: 1. 20250121 - Resolution R-3-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AWARDING A PROFESSIONAL SERVICES CONTRACT TO PPR STRATEGIES,
INC. FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN ECONOMIC
DEVELOPMENT MARKETING STRATEGY IN AN AMOUNT NOT TO EXCEED
FIFTY THOUSAND DOLLARS (\$50,000.00)

WHEREAS, in 2024, the Council of the City of Bowie, Maryland (“City Council”) asked staff to seek a consultant to develop an Economic Development Marketing Strategy for the City (“Project”), and specifically identified elements of the Project to be included in the scope of work; and

WHEREAS, in accordance with the City Council’s direction, City staff developed and issued a Request for Proposals for the Project, in response to which it received four proposals; and

WHEREAS, after evaluating the proposals received, staff determined that PPR Strategies, Inc. provided the most responsive and responsible proposal with consideration given to factors such as the price, qualifications, experience and demonstrated understanding of the scope of work and proposed approach to the project, in accordance with City Charter, Sec. 61(b)(1); and

WHEREAS, the PPR Strategies, Inc. proposal in the amount of Fifty Thousand Dollars (\$50,000) is within the City’s established budget for this Project; and

WHEREAS, staff recommends that the City Council award the contract for the Project to PPR Strategies, Inc. in an amount not to exceed Fifty Thousand Dollars (\$50,000.), and the City Council deems it to be in the best interest of the City to award the contract to PPR Strategies, Inc. as recommended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland that a contract for the development and implementation of an Economic Development Marketing Strategy for the City is hereby awarded to PPR Strategies, Inc. in an amount not to exceed Fifty Thousand Dollars (\$50,000.00), and the City Manager is hereby authorized to enter into an agreement with PPR Strategies Inc. as approved.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on January 21, 2025.

ATTEST:

THE CITY OF BOWIE, MARYLAND

 Awilda Hernandez, MMC
 City Clerk

 Timothy J. Adams
 Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: RFP/Task Order #9-04 Replace Salt Building, Vehicle Storage Bay and Parking Design (A) - Resolution R-4-25

DATE: 01/16/2025

On December 20, 2018, and January 3, 2019, the City entered into an Architect/Engineering Open End Agreement with McLaren Technical Services, Inc. (McLaren) of Baltimore, MD, EBA Engineering, Inc. (EBA) of Laurel, MD and Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, MD for Category 9-Structural and Geotechnical (Design). Professional Services delivered through these Agreements are negotiated and procured on a Task Order basis as the City's needs arise.

On November 15, 2024, the Public Works Department advertised a Notice of Intent to Negotiate for RFP/Task Order #9-04 Replace Salt Building, Vehicle Storage Bay and Parking Design (A) under the Architect/Engineering Open End Agreement. Proposals were accepted from RK&K and McLaren which have Open End Professional Services Agreements with the City for Structural and Geotechnical (Design). For this task, the Proposal from McLaren was selected based on cost, capacity to perform in a timely manner and understanding of the project.

In accordance with City Charter Section 61(b)(4), a total fee of \$91,500 for the required services was negotiated. This is within the amount budgeted in the FY25 CIP Budget for Public Works.

The Public Works Department recommends that Council authorize the issuance of a Purchase Order to McLaren for Task Order/RFP #9-04 pursuant to the Master Contract approved on December 20, 2018.

I concur with the recommendation of the Public Works Department and request your approval of Resolution R-4-25.

ATTACHMENTS: 1. 20250121 - Resolution R-4-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO
MCLAREN TECHNICAL SERVICES, INC. FOR TASK ORDER/RFP #9-04
IN THE AMOUNT OF \$91,500 IN ACCORDANCE WITH THE MASTER CONTRACT
APPROVED ON DECEMBER 20, 2018

WHEREAS, on November 15, 2024, the Public Works Department advertised a Notice of Intent to Negotiate for RFP/Task Order #9-04 Replace Salt Building, Vehicle Storage Bay and Parking Design (A); and

WHEREAS, an RFP was issued to three (3) firms which have open end professional services agreements with the City. These firms include McLaren Technical Services, Inc. (McLaren) of Baltimore, MD, EBA Engineering, Inc. (EBA) of Laurel, MD and Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, MD; and

WHEREAS, Proposals were accepted from RK&K and McLaren which have Open End Professional Services Agreements with the City for Structural and Geotechnical (Design). For this task, the Proposal from McLaren was selected based on cost, capacity to perform in a timely manner and understanding of the project; and

WHEREAS, in accordance with City Charter 61(b)(4) a total fee of \$91,500 for the required services was negotiated. This is within the amount budgeted in the FY25 CIP Budget for Public Works.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Bowie, Maryland that the Council authorizes the issuance of a Purchase Order to McLaren for Task Order/RFP #9-04 pursuant to the Master Contract approved on December 20, 2018.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Meeting on January 21, 2025.

ATTEST:

THE CITY OF BOWIE, MARYLAND

 Awilda Hernandez, MMC
 City Clerk

 Timothy J. Adams
 Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Professional Services-Development Plan Review, Engineering, & Design Services Resolution R-5-25

DATE: 01/16/2025

On December 18, 2024, the Public Works Department advertised a Notice of Intent to Negotiate with Frederick Ward Associates for an On Call Professional Services Agreement based on that Firm's qualifications, prior performance, and ability to maintain continuity of engineering support services. The Agreement will establish all contract requirements and labor rates for various engineering services that may be required by the City of Bowie. This Contract will be in effect through June 30, 2025, with four additional one-year options to renew.

The Public Works Department recommends awarding a Task Order for Development Plan Review in the amount of \$162,000 under this Agreement. Frederick Ward has many years of experience with the City Code and City development standards necessary to carry out the required plan reviews. Sufficient funds are available in the Professional Services account in the Public Works Administration section of the FY25 Budget.

In accordance with City Charter Section 61(b)(4), we are requesting that Council authorize the City Manager to award the Development Plan Review Task Order to Frederick Ward Associates and issue a purchase order in an amount not to exceed \$162,000.

I concur with the above recommendation and request your approval of Resolution R-5-25.

ATTACHMENTS: 1. 20250121 - Resolution R-5-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
TO AWARD THE PROFESSIONAL SERVICES-DEVELOPMENT PLAN
REVIEW, ENGINEERING, & DESIGN SERVICES TO FREDERICK WARD
ASSOCIATES, INC. AND AUTHORIZING THE ISSUANCE OF A PURCHASE
ORDER TO FREDERICK WARD ASSOCIATES, INC. FOR TASK ORDER #1
IN THE AMOUNT OF \$162,000

WHEREAS, pursuant to Section 61(b)(4) of the City Charter, the Public Works Department advertised an Intent to Negotiate with Frederick Ward Associates on December 18, 2024, for an On Call Professional Services Agreement based on that Firm's qualifications, prior performance, and ability to maintain continuity of engineering support services; and

WHEREAS, this Agreement will establish all contract requirements and labor rates for various engineering services that may be required by the City of Bowie; and

WHEREAS, this Agreement will be in effect through June 30, 2025, with four additional one-year options to renew; and

WHEREAS, the Public Works Department recommends awarding a Task Order under this Agreement for Development Plan Review in the amount of \$162,000; and

WHEREAS, additional Task Orders will be issued and negotiated as needed to provide engineering services for various projects throughout the City, as funded through the annual budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council authorizes the City Manager to award the Development Plan Review Task Order to Frederick Ward Associates, Inc. for professional services and issue a purchase order in an amount not to exceed \$162,000.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on January 21, 2025.

ATTEST:

THE CITY OF BOWIE, MARYLAND

 Awilda Hernandez, MMC
 City Clerk

 Timothy J. Adams
 Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Affirming Decision of the BAPB Approving Application NCU-1-24
Resolution R-6-25

DATE: 01/16/2025

Please see attached resolution.

ATTACHMENTS: 1. 20250121 - Resolution R-6-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
APPROVING APPLICATION NCU-1-24,
A REQUEST FOR THE CERTIFICATION OF AN
EXISTING NONCONFORMING TOWING BUSINESS
LOCATED AT 12705 10TH STREET, BOWIE, MARYLAND

WHEREAS, the City of Bowie (hereinafter the “City”), pursuant to City Code, Chapter 26, Division 4 “Certification, Revocation and Revision of Nonconforming Uses” (“Division 4”), is authorized to hear requests for the continuation of Nonconforming Uses under the terms of the Prince George’s County Zoning Ordinance (hereafter the “Zoning Ordinance”); and

WHEREAS, pursuant to Division 4, Section 26-37 “Certification of Nonconforming Uses,” a nonconforming use may only continue if a use and occupancy permit identifying the use as nonconforming is issued after the Advisory Planning Board (or its authorized representative) or the City Council certifies that the use is nonconforming and not illegal; and

WHEREAS, the City is authorized by Division 4 to either grant or deny certification of the use as nonconforming. If the Bowie Advisory Planning Board (hereinafter the “BAPB”) decides to certify that a nonconforming use actually exists and has continuously operated, it shall find that the conclusion it reaches is supported by a preponderance of evidence; and

WHEREAS, on or about July 24, 2024, J. Clinton Towing, LLC (the “Applicant”) submitted an application for certification of an existing nonconforming use located at 12705 10th Street, Bowie, Maryland (“Subject Property”), pursuant to Section 26-37 of the Bowie City Code, specifically requesting Certification of a Nonconforming Use to allow an existing towing business to remain at its present location when, according to the Prince George’s County Zoning Ordinance, such use of land is not permitted in the RR (Residential, Rural) Zone; and

WHEREAS, the Subject Property was posted with a public hearing advertisement on September 16, 2024 and again on October 28, 2024 in accordance with the City Code; and

WHEREAS, the technical staff report provided background information but, due to the nature of the proceeding, no specific recommendation for the request for Certification of the Nonconforming Use; and

WHEREAS, on November 12, 2024, the BAPB heard testimony and accepted evidence with respect to whether it can make the necessary findings set forth in the City Code to grant a Certification of the Nonconforming Use; and

WHEREAS, the Board voted to **APPROVE** a Certification of the Nonconforming Use for a towing business on the Subject Property, and the BAPB’s decision was based on the technical staff report, the official application case file record, and testimony provided during the hearing; and

WHEREAS, the BAPB hereby makes the following findings of fact:

1. The Subject Property is zoned RR (Residential, Rural).
2. The Subject Property is comprised of 1.0079 acres known as Lots 1-2 of the Hayden Property subdivision.
3. According to the Applicant's Site Plan, dated November 11, 2024, the Subject Property is currently improved with a one-story frame building containing 1,471 square feet of gross floor area and is almost entirely covered by recycled asphalt surfacing. A storage trailer is located along the eastern lot line, and the property is enclosed by eight-foot-high wooden sight-tight fencing and six-foot high chain link fencing.
4. On July 14, 2021, a Use and Occupancy Permit application 11494-2021-0 was submitted by the previous owner (Ray's Towing). The application underwent a thorough review by M-NCPPC staff, however, it was concluded that a nonconforming use could not be certified at the Planning Director level. In January 2022, the Use and Occupancy Permit application was withdrawn.
5. This application is identical to the request filed in 2020 (NCU-1-20) for Ray's Towing. After much staff-level review and investigation, Ray's Towing, LLC chose to withdraw their application on January 20, 2022, rather than pursue a public hearing for certification of a nonconforming use.
6. On October 31, 2022, a new application for a Use and Occupancy Permit was made for a towing service business on the Subject Property. In their review comments dated November 29, 2022, Permits Section staff of M-NCPPC determined that a permit could not be issued unless the City of Bowie certifies that a nonconforming use exists on the property.
7. The owner of Ray's Towing, Ms. Linda Hayden, sold the property to Mr. Jerry Clinton on December 8, 2022.
8. According to M-NCPPC Development Review Division staff, the date of the initial zoning of this portion of Prince George's County was June 1, 1957. It appears from the evidence and testimony submitted, with the most compelling testimony being that of Mr. Roy Hayden, the youngest son of the prior owner of the Property and operator of Ray's Towing, that the towing business was in operation prior to that date.
9. An application for a Use of Occupancy Permit was received by the Prince George's County Department of Building Inspections on February 26, 1962, for a towing service on the Subject Property, and a Use and Occupancy Permit was issued on the same day.

10. The City Code, in Section 26-37, sets forth the requirements for Certification of Nonconforming Uses. The Applicant must provide evidence that the nonconforming use has not ceased to operate for more than one hundred eighty (180) consecutive calendar days between the time the use became nonconforming and the date when the application is submitted, or that conditions of nonoperation for more than one hundred eighty (180) consecutive calendar days were beyond the Applicant's and/or owner's control, were for the purpose of correcting code violations, or were due to the seasonal nature of the use;
11. The City Code further states, in Section 26-37.E (4) that the Advisory Planning Board may decide to either grant or deny certification of the use as nonconforming. If it decides to certify that a nonconforming use actually exists and has continuously operated, the Advisory Planning Board shall find that the conclusion it reaches is supported by a preponderance of evidence.
12. According to the Prince George's County Department of Permits, Inspections and Enforcement (DPIE) inspector, as of September 25, 2024, there are no outstanding Code violations other than the failure to obtain a Use and Occupancy Permit for the towing business on the Subject Property.
13. On September 16, 2024, staff posted a sign at the Subject Property inviting comments from the community regarding the proposed nonconforming use certification. One comment was received during the 20-day comment period and was included in the staff report.
14. Information submitted as part of the subject application includes Notarized Affidavits of Continuous Operation from a total of 20 individuals (Exhibits 3 and 9), indicating that the towing service has been in continuous operation, without interruption, since 1962. Several of the Affidavits contain hand-written notes stating that the towing service has been in business since the 1940s. Aerial photographs (Exhibit 6) show that the Subject Property was being utilized for a towing business over many years.
15. Testimony provided by witnesses at the November 12, 2024 public hearing established by a preponderance of evidence that the towing business was lawfully established and it continued in operation without ceasing for 180 days or more, since its establishment.

WHEREAS, the BAPB hereby made the following conclusions of law:

1. The towing business was more likely than not lawfully established on the Subject Property prior to 1957, when zoning regulations were adopted for this area of Prince George's County.
2. The towing business on the Subject Property, more likely than not continued in operation, without ceasing, since its inception.

3. The granting of the request for the Certification of an existing Nonconforming Use, a towing business, is supported by a preponderance of the evidence and testimony presented.

WHEREAS, the City Council hereby makes the following conclusions of law:

The granting of a request for the Certification of an existing Nonconforming Use is supported by a preponderance of the evidence and testimony presented, and that Prince George's County may issue a Use and Occupancy Permit for the existing Outdoor Advertising Sign located on the Subject Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the above "Whereas" clauses are hereby incorporated as operative provisions of this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Bowie hereby adopts Resolution R-6-25 to APPROVE Nonconforming Use #NCU-1-24, certifying that the towing use in this application is nonconforming and not illegal; and, affirming the BAPB's decision regarding Nonconforming Use Application #NCU-1-24 to allow the existing Towing Business to continue to operate at 12705 10th Street in Bowie, Maryland.

INTRODUCED AND PASSED on this twenty first day of January 2025, by the City Council of the City of Bowie.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez, MMC
City Clerk

Timothy J. Adams
Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Water Treatment Plant Filter System Replacement
Resolution R-7-25

DATE: 01/16/2025

A legal notice advertising an Invitation for Bids for the replacement of the water treatment plant filter system, located at 2912 Bradford Lane, was placed on eMaryland Marketplace Advantage and Bid Locker on September 13, 2024. At the close of bidding at 11:00 a.m., Thursday, October 17, 2024, the City received two (2) bids. Below is a tabulation of the bids received:

CPP Construction Company Gaithersburg, Maryland	\$1,986,000
EMH Environmental, Inc. Glenwood, Maryland	\$2,473,200

This work is being performed in accordance with the Capital Improvement Program for the Water Treatment Plant. The budget for this work is \$1,700,000. The \$286,000 additional funding will be included in a supplemental transfer and come from the water and sewer appropriated retained earnings.

The Public Works Department recommends awarding the bid from CPP Construction Company for \$1,986,000.

I concur with the above recommendation to award to CPP Construction Company and request your approval of Resolution R-7-25.

ATTACHMENTS: 1. 20250121 - Resolution R-7-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AWARDING A CONTRACT TO CPP CONSTRUCTION COMPANY FOR THE
REPLACEMENT OF THE WATER TREATMENT PLANT FILTER SYSTEM IN THE
AMOUNT OF \$1,986,000

WHEREAS, a legal notice advertising an Invitation for Bids for the replacement of the water treatment plant filter system, located at 2912 Bradford Lane, was placed on eMaryland Marketplace Advantage and Bid Locker on September 13, 2024; and

WHEREAS, at the close of bidding at 11:00 a.m., Thursday, October 17, 2024, the City received two (2) bids; and

WHEREAS, after careful review of the bids submitted it was determined that CPP Construction Company of Gaithersburg, Maryland had submitted a responsible and responsive bid proposal of \$1,986,000; and

WHEREAS, the contract exceeds the \$1,700,000 budget; the \$286,000 additional funding will be included in a supplemental transfer and come from the water and sewer appropriated retained earnings; and

WHEREAS, if approved, staff will include the \$286,000 in the Emergency Ordinance scheduled for Council presentation on January 21, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Bowie, Maryland, that the Council hereby accepts the proposal of CPP Construction Company in the amount of \$1,986,000 and authorizes the City Manager to enter into a contract with CPP Construction Company.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland, at a Regular Meeting on January 21, 2025.

ATTEST:

CITY OF BOWIE, MARYLAND

 Awilda Hernandez, MMC
 City Clerk

 Timothy J. Adams
 Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Contract Award for Construction Management as Advisor Services for the new Ice Arena Project - Resolution R-8-25

DATE: 01/16/2025

On October 25, 2024, the Department of Community Services issued a Request for Proposals for construction management as advisor services for the new Ice Arena Project.

On December 6, 2024, one (1) proposal was received and opened. The results were as follows:

<u>Firm</u>	<u>Total</u>
The Owner's Representative, LLC	\$622,340.00

The FY2025 Budget Appropriation for this project is \$30,355,000.00.

The proposal was reviewed and evaluated by a four (4) member panel made up of City Staff. The criteria for selection included the firm's experience, proposed cost of services, technical experience and qualifications of firm and personnel, and project and management approach, references, and previous performance record. The proposal submitted by The Owner's Representative, LLC scored well overall against the scoring criteria listed above.

After careful evaluation and scoring of the proposal, it was determined by consensus that The Owner's Representative, LLC of Annapolis, MD, had submitted a responsive and responsible proposal, in the amount of \$622,340.00. This is within the amount budgeted for the FY25 CIP for Bowie Ice Arena.

I concur with the recommendation of the Department of Community Services and request your approval of Resolution R-8-25.

ATTACHMENTS: 1. 20250121 - Resolution R-8-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AWARDING A CONTRACT FOR CONSTRUCTION MANAGEMENT AS
ADVISOR SERVICES FOR THE NEW ICE ARENA PROJECT

WHEREAS, the City of Bowie owns land adjacent to Bowie Golf Course in Bowie, Maryland; and

WHEREAS, the City intends to construct a new single sheet Ice Arena; and

WHEREAS, a Request for Proposals for construction management as advisor services was issued and had a closing date of December 6, 2024 at 11:00 a.m., at which time one proposal was received; and

WHEREAS, staff has reviewed the proposal received and determined the proposal submitted by The Owner's Representative, LLC located in Annapolis, Maryland to be both responsive and responsible proposal.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the City Manager is hereby authorized to enter into an Agreement with The Owner's Representative, LLC in the amount of \$622,340.00 to provide construction management as advisor services for the construction of the new single sheet Ice Arena.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on January 21, 2025.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez, MMC
City Clerk

Timothy J. Adams
Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Chapter 26 "Zoning", Article II Municipal Zoning Authority
Ordinance O-1-25

DATE: 01/16/2025

Ordinance O-1-25 is a substantive amendment to the City Code, revising the Code to reflect the current, updated County zoning regulations related to the existing delegated authority granted to the City. Although the Prince George's County Council approved a new County Zoning Ordinance (known as the Zoning Ordinance Rewrite) in 2018, the Ordinance did not take effect until the effective date of the Countywide Map Amendment in 2022. The approved County Zoning Ordinance includes grandfathering provisions that allow applicants to choose to use the regulations of the old Zoning Ordinance or the new Zoning Ordinance until April 1, 2025. Ordinance O-1-25 was drafted to address the new standards and procedural requirements of the new County Zoning Ordinance. It will modernize Article II of Section 26 of the City Code. Staff elected to wait until final approval of the Omnibus Bill (CB-15-2024), which made additional revisions and clarifications to the new County Zoning Ordinance, before bringing forth a City Code amendment. If approved by City Council, the City Code revision will be submitted to the Prince George's County Council for their approval. County approval will be needed before O-1-25 can take effect.

Recommendation: It is recommended that Council INTRODUCE City Ordinance O-1-25 and schedule a public hearing on Monday, February 3, 2025.

ATTACHMENTS: 1. 20250121 - Ordinance O-1-25

AN ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
REPEALING IN ITS ENTIRETY AND RE-ENACTING WITH AMENDMENTS
CHAPTER 26 “ZONING,” ARTICLE II “MUNICIPAL ZONING AUTHORITY” OF
THE CODE OF THE CITY OF BOWIE TO REFLECT CHANGES REQUIRED DUE
TO THE PRINCE GEORGE’S COUNTY ZONING ORDINANCE REWRITE AND
CB-015-2024, THE ZONING ORDINANCE OF PRINCE GEORGE’S COUNTY –
OMNIBUS BILL

WHEREAS, pursuant to Md. Code Ann. Land Use Art. (“LU”), § 25-301, the Bowie City Council, as the governing body of the City of Bowie, may exercise certain powers delegated to it by the Prince George’s County Council sitting as the District Council regarding design standards; parking and loading standards; sign design standards; lot size variances and setback and similar requirements; landscaping requirements; certification, revocation, and revision of nonconforming uses; minor changes to approved special exceptions; vacation of municipal rights-of-way; and certain detailed site plans; and

WHEREAS, the Prince George’s County Council has, by virtue of §§ 27-924 and 27-925 of the Prince George’s County Code, delegated certain authority to the City with respect to the exercise of the aforementioned powers; and

WHEREAS, pursuant to the foregoing authority, the City enacted Chapter 26, “Zoning”; and

WHEREAS, on October 23, 2018, the Prince George’s County Council adopted a new Zoning Ordinance and Subdivision Regulations; and

WHEREAS, the Prince George’s County Zoning Ordinance rewrite process culminated on November 29, 2021, when the Prince George’s County Council unanimously adopted CR-136-2021 approving the Countywide Sectional Map Amendment (“SMA”). Under CR-136-2021, the County’s new Zoning Ordinance, Subdivision Regulations, and Landscape Manual became effective on April 1, 2022; and

WHEREAS, Prince George’s County Zoning Ordinance, Sec. 27-3308 “Municipalities”, continues to allow for the delegation of authority to municipalities; and

WHEREAS, the Code of the City of Bowie, Chapter 26, Article II contains references to the prior Prince George’s County Zoning Ordinance that must be updated to reflect the provisions of the new Zoning Ordinance.

Section 1: NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, that Bowie City Code, Chapter 26 “Zoning,” Article II “Municipal Zoning Authority” is hereby repealed in its entirety and re-enacted with amendments to read as follows:

ARTICLE II. MUNICIPAL ZONING AUTHORITY.

DIVISION 1. GENERAL.

SEC. 26-17. PURPOSE.

A. THE PURPOSE OF THIS ARTICLE IS TO CREATE PROCESSES WHEREBY THE CITY COUNCIL MAY REVIEW AND DECIDE THE FOLLOWING:

1. DEPARTURES (MINOR AND MAJOR) OF NUMERICAL DESIGN AND LANDSCAPING STANDARDS IN THE CITY FOR:
 - (A) PARKING AND LOADING STANDARDS (SECTION 27-6206(K)¹), BLOCK DESIGN; TABLE 27-6206(M)(1): MINIMUM STACKING SPACES FOR DRIVE-THROUGH FACILITIES AND RELATED USES; SECTION 27-6304(I), LARGE VEHICULAR USE AREAS (300 OR MORE SPACES); SECTION 27-6305, OFF-STREET PARKING SPACE STANDARDS; SECTION 27-6306, DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES; AND SECTION 27-6310, LOADING AREA STANDARDS;
 - (B) SIGN DESIGN STANDARDS (SECTION 27-61505, STANDARDS FOR SPECIFIC SIGN TYPES; SECTION 27-61506, STANDARDS FOR SPECIAL PURPOSE SIGNS; AND SECTION 27-61507, STANDARDS FOR TEMPORARY SIGNS); AND
 - (C) STANDARDS OF THE LANDSCAPE MANUAL (TABLE 27-3614 (B)(2));
2. ALTERNATIVE COMPLIANCE FROM THE LANDSCAPE MANUAL (TABLE 27 3614(B)(2));
3. CERTIFICATION, REVOCATION, AND REVISION OF NONCONFORMING USES (SECTION 27-3618 AND PART 27-7);
4. VARIANCES FOR LOT AREA, SETBACK, AND SIMILAR REQUIREMENTS, EXCEPT FOR THOSE VARIANCES FILED IN CONJUNCTION WITH A SPECIAL EXCEPTION, ZONING

¹ All references herein to Section 27-____ or to Table 27-____ are references to the Prince George’s County Zoning Ordinance.

SMALL CAPS: Indicate language added to the City Code.

CASE, SITE PLAN OR OTHER REQUEST WHERE THE DISTRICT COUNCIL HAS THE SOLE AUTHORITY TO GRANT VARIANCES FROM THE STRICT APPLICATION OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE SECTION (27-3613);

5. MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS (SECTION 27-3604(I)); AND

6. SECURITY EXEMPTION PLANS FOR FENCES AND WALLS (SECTION 27-6610).

B. IN IMPLEMENTING THIS ARTICLE, IT IS THE INTENT OF THE CITY COUNCIL TO REMOVE OBSTACLES THAT HINDER DEVELOPMENT WITHIN THE CITY AND TO PROMOTE COMMUNITY AND ECONOMIC DEVELOPMENT VITALITY BY ENCOURAGING APPROPRIATE DEVELOPMENT WITHIN THE CITY.

SEC. 26-18. DEFINITIONS.

A. ADVISORY PLANNING BOARD: THE BOWIE ADVISORY PLANNING BOARD.

B. COMMISSION: THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

C. COUNCIL OR CITY COUNCIL: THE COUNCIL OF THE CITY OF BOWIE, MARYLAND.

D. COUNTY: PRINCE GEORGE'S COUNTY, MARYLAND.

E. DISTRICT COUNCIL: THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND.

F. NONCONFORMING USE: THE USE OF ANY BUILDING, STRUCTURE, OR LAND WHICH IS NOT IN CONFORMANCE WITH A REQUIREMENT OF THE ZONE IN WHICH IT IS LOCATED (AS IT SPECIFICALLY APPLIES TO THE USE), PROVIDED THAT:

- (1) THE REQUIREMENT WAS ADOPTED AFTER THE USE WAS LAWFULLY ESTABLISHED; OR
- (2) 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.

G. PERSON OF RECORD (PARTY OF RECORD): THE OWNER, APPLICANT, AND CORRESPONDENT OF A PENDING APPLICATION, A CIVIC ASSOCIATION OR OTHER PERSON WHO, IN WRITING PRIOR TO THE CLOSE OF THE HEARING RECORD BEFORE THE ADVISORY PLANNING BOARD OR IN TESTIMONY BEFORE THE ADVISORY PLANNING BOARD REQUESTS TO BE MADE A PARTY TO THE PROCEEDING.

H. PLANNING DIRECTOR: THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND SUSTAINABILITY.

I. USE IS EITHER:

- (1) THE PURPOSE FOR WHICH A BUILDING, STRUCTURE, OR LAND IS DESIGNED, ARRANGED, INTENDED, MAINTAINED OR OCCUPIED; OR

SMALL CAPS: Indicate language added to the City Code.

- (2) ANY ACTIVITY, OCCUPATION, BUSINESS, OR OPERATION CARRIED ON IN, OR ON, A BUILDING, STRUCTURE OR PARCEL OF LAND.

J. ZONING VARIANCE HEARING BOARD: A HEARING BOARD CONSISTING OF AT LEAST THREE MEMBERS OF THE ADVISORY PLANNING BOARD ESTABLISHED TO CONDUCT PUBLIC HEARINGS ON VARIANCE APPLICATIONS AND RENDER DECISIONS ON BEHALF OF THE ADVISORY PLANNING BOARD.

SEC. 26-19. POWERS AND DUTIES OF THE BOWIE ADVISORY PLANNING BOARD, ZONING VARIANCE HEARING BOARD AND THE PLANNING DIRECTOR.

A. THE BOWIE ADVISORY PLANNING BOARD (INCLUDING THE ZONING VARIANCE HEARING BOARD FOR VARIANCES ONLY) SHALL HAVE THE AUTHORITY TO HEAR THE FOLLOWING CATEGORIES OF REQUESTS WITH RESPECT TO PROPERTY LOCATED WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF BOWIE AND TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING SAME:

1. DEPARTURES (MINOR AND MAJOR) OF NUMERICAL DESIGN AND LANDSCAPING STANDARDS IN THE MUNICIPALITY FOR:
 - (A) PARKING AND LOADING STANDARDS (SECTION 27-6206(K)), BLOCK DESIGN; TABLE 27-6206(M)(1): MINIMUM STACKING SPACES FOR DRIVE-THROUGH FACILITIES AND RELATED USES; SECTION 27- 6304(I), LARGE VEHICULAR USE AREAS (300 OR MORE SPACES); SECTION 27-6305, OFF-STREET PARKING SPACE STANDARDS; SECTION 27-6306, DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES; AND SECTION 27-6310, LOADING AREA STANDARDS), AND
 - (B) SIGN DESIGN STANDARDS (SECTION 27-61505, STANDARDS FOR SPECIFIC SIGN TYPES; SECTION 27-61506, STANDARDS FOR SPECIAL PURPOSE SIGNS; AND SECTION 27-61507, STANDARDS FOR TEMPORARY SIGNS);
 2. CERTIFICATION, REVOCATION, AND REVISION OF NONCONFORMING USES (SECTION 27-3618 AND PART 27-7);
 3. VARIANCES FOR LOT AREA, SETBACK, AND SIMILAR REQUIREMENTS (27-3613); AND
 4. MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS (SECTION 27-3604 (I)).
- B. THE PLANNING DIRECTOR SHALL HAVE THE AUTHORITY:
1. TO REVIEW AND DECIDE THE FOLLOWING:
 - (A) MINOR DEPARTURES (SECTION 27-3614(E));
 - (B) ALTERNATIVE COMPLIANCE FROM THE LANDSCAPE MANUAL (TABLE 27-3614 (B)(2));

SMALL CAPS: Indicate language added to the City Code.

- (C) CERTIFICATION OF NONCONFORMING USES (SECTION 27-3618);
 - (D) VARIANCES FOR MINOR HOMEOWNER IMPROVEMENTS (SECTION 27-3613), AS PERMITTED UNDER THIS SECTION;
 - (E) MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS (SECTION 27-3604(1);
 - AND,
 - (F) SECURITY EXEMPTION PLANS FOR FENCES AND WALLS (SECTION 27-6610, SECURITY EXEMPTION PLAN).
2. TO ESTABLISH DEVELOPMENT APPLICATION REQUIREMENTS FOR DEVELOPMENT APPROVALS AND PERMITS, OTHER THAN FEES.
 3. TO ENSURE THAT APPLICATIONS FOR DEVELOPMENT APPROVALS AND PERMITS ARE PROCESSED AND REVIEWED IN ACCORDANCE WITH THIS ORDINANCE.
 4. TO MAKE AVAILABLE AT THE PLANNING DIRECTOR'S OFFICE, UPON REASONABLE REQUEST AND DURING NORMAL BUSINESS HOURS, COPIES OF ALL DEVELOPMENT APPLICATIONS, STAFF REPORTS, AND MATERIALS SUBMITTED, AT A REASONABLE COST WHERE PERMITTED.

DIVISION 2. STANDARD REVIEW PROCEDURES.

SEC. 26-20. PRE-APPLICATION CONFERENCE

A. GENERAL

A PRE-APPLICATION CONFERENCE PROVIDES AN OPPORTUNITY FOR:

- (1) THE APPLICANT TO DETERMINE THE SUBMISSION REQUIREMENTS, PROCEDURES, AND STANDARDS APPLICABLE TO AN ANTICIPATED DEVELOPMENT APPLICATION; AND
- (2) STAFF TO BECOME FAMILIAR WITH, AND OFFER THE APPLICANT PRELIMINARY COMMENTS ABOUT THE SCOPE, FEATURES, AND IMPACTS OF THE PROPOSED DEVELOPMENT AS IT RELATES TO THE STANDARDS IN THIS ORDINANCE.

B. APPLICABILITY

- (1) A PRE-APPLICATION CONFERENCE IS REQUIRED BEFORE ANY OF THE FOLLOWING DEVELOPMENT APPLICATIONS ARE SUBMITTED, UNLESS WAIVED BY THE PLANNING DIRECTOR BECAUSE DEVELOPMENT PROPOSED IN THE APPLICATION IS SUFFICIENTLY STRAIGHTFORWARD THAT THE APPLICANT DOES NOT NEED ADDITIONAL STAFF INPUT ON THE APPLICATION:
 - (A) MAJOR DEPARTURES (SECTION 27-3614(E)); AND

SMALL CAPS: Indicate language added to the City Code.

(B) CERTIFICATION, REVOCATION, AND REVISION OF NONCONFORMING USES (SECTION 27-3618 AND PART 27-7); AND

(C) MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS. (SECTION 27-3604);

(2) A PRE-APPLICATION CONFERENCE IS OPTIONAL FOR ANY OTHER TYPE OF DEVELOPMENT APPLICATION.

C. PROCEDURE

(1) SUBMISSION OF MATERIALS PRIOR TO CONFERENCE

BEFORE A PRE-APPLICATION CONFERENCE IS HELD, THE APPLICANT SHALL SUBMIT TO THE PLANNING DIRECTOR A NARRATIVE DESCRIBING THE SCOPE OF THE PROPOSED DEVELOPMENT, A CONCEPTUAL SITE DRAWING OF THE DEVELOPMENT PROPOSED IN THE APPLICATION, AND ANY OTHER INFORMATION REASONABLY REQUESTED BY THE PLANNING DIRECTOR.

(2) SCHEDULING

WITHIN FOURTEEN (14) DAYS AFTER RECEIPT OF A REQUEST FOR A PRE-APPLICATION CONFERENCE, THE PLANNING DIRECTOR SHALL SCHEDULE THE PRE-APPLICATION CONFERENCE AND NOTIFY THE APPLICANT OF THE CONFERENCE TIME AND LOCATION.

(3) CONFERENCE PROCEEDINGS

THE PLANNING DIRECTOR SHALL REVIEW THE MATERIALS SUBMITTED BY THE APPLICANT PRIOR TO THE CONFERENCE. AT THE CONFERENCE, THE PLANNING DIRECTOR SHALL SEEK ANY NEEDED CLARIFICATION FROM THE APPLICANT REGARDING THE PROPOSED APPLICATION AND IDENTIFY ANY CONCERNS, PROBLEMS, OR OTHER FACTORS THE APPLICANT SHOULD CONSIDER REGARDING THE PROPOSED APPLICATION.

D. EFFECT OF CONFERENCE

(1) THE PRE-APPLICATION CONFERENCE IS INTENDED TO FACILITATE THE APPLICATION REVIEW PROCESS. DISCUSSIONS AT THE PRE-APPLICATION CONFERENCE ARE NOT BINDING ON THE CITY, AND CONSEQUENTLY NO FINAL OR BINDING DECISION IS MADE AT A PRE-APPLICATION CONFERENCE.

(2) A PRE-APPLICATION CONFERENCE REQUEST DOES NOT CONSTITUTE THE FILING OF AN APPLICATION. PROCESSING TIMES FOR APPLICATION REVIEW DO NOT BEGIN UNTIL AN APPLICATION IS SUBMITTED AND DETERMINED TO BE COMPLETE.

SEC. 26-21. PRE-APPLICATION NEIGHBORHOOD MEETING

SMALL CAPS: Indicate language added to the City Code.

A. GENERAL

THE PRE-APPLICATION NEIGHBORHOOD MEETING IS INTENDED TO INFORM OWNERS AND OCCUPANTS OF NEARBY LANDS ABOUT A PROPOSED DEVELOPMENT APPLICATION TO BE REVIEWED UNDER CITY CODE, CHAPTER 26, ARTICLE II, AND TO PROVIDE THE APPLICANT AN OPPORTUNITY TO HEAR COMMENTS AND CONCERNS ABOUT THE DEVELOPMENT PROPOSAL IN ORDER TO RESOLVE CONFLICTS AND OUTSTANDING ISSUES, WHERE POSSIBLE. PRE-APPLICATION NEIGHBORHOOD MEETINGS ARE OPPORTUNITIES FOR INFORMAL COMMUNICATION BETWEEN APPLICANTS AND THE LANDOWNERS AND OCCUPANTS OF NEARBY LANDS, AND OTHER RESIDENTS AFFECTED BY DEVELOPMENT PROPOSALS. PARTICIPATION IN ANY PRELIMINARY, PRE-APPLICATION NEIGHBORHOOD MEETING IS FOR INFORMATIONAL PURPOSES ONLY. ANY RESULTANT PARTICIPATION AND/OR WRITTEN SUMMARY OF SAME SHALL NOT BE PART OF THE ADMINISTRATIVE RECORD FOR ANY DEVELOPMENT APPLICATION THAT MAY BE FILED AND ACCEPTED.

B. APPLICABILITY

1. A PRE-APPLICATION NEIGHBORHOOD MEETING IS REQUIRED BEFORE ANY OF THE FOLLOWING DEVELOPMENT APPLICATIONS ARE SUBMITTED:
 - (A) MAJOR DEPARTURES ; AND
 - (B) CERTIFICATION, REVOCATION, AND REVISION OF NONCONFORMING USES; AND
 - (C) MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS.
2. A PRE-APPLICATION NEIGHBORHOOD MEETING MAY ALSO BE HELD AT THE APPLICANT'S OPTION BEFORE THE SUBMISSION OF ANY DEVELOPMENT APPLICATION NOT IDENTIFIED ABOVE. PRE-APPLICATION NEIGHBORHOOD MEETINGS ARE PARTICULARLY ENCOURAGED AS OPPORTUNITIES FOR INFORMAL COMMUNICATION BEFORE SUBMITTING ANY APPLICATION REQUIRING A PUBLIC HEARING IN ACCORDANCE WITH DIVISION 3 OF THIS ARTICLE, APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS.
3. THE INFORMATIONAL MAILINGS AND MEETINGS REQUIRED BY THIS SUBSECTION ARE IN ADDITION TO ALL POSTINGS AND NOTICES REQUIRED BY THIS ARTICLE II OF THIS CHAPTER AND STATE LAW.
4. IF A DEVELOPMENT APPLICATION IS NOT ACCEPTED FOR REVIEW IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 26-22, APPLICATION SUBMITTAL, WITHIN ONE YEAR OF THE DATE THE PRE-APPLICATION NEIGHBORHOOD MEETING IS CONDUCTED, THE APPLICANT SHALL CONDUCT A SECOND PRE-APPLICATION NEIGHBORHOOD MEETING IN ACCORDANCE WITH THIS SECTION.

SMALL CAPS: Indicate language added to the City Code.

C. PROCEDURE

IF A PRE-APPLICATION NEIGHBORHOOD MEETING IS CONDUCTED, IT SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

1. MEETING LOCATION AND TIME

THE MEETING SHALL BE HELD AT OR AFTER 6:00 P.M. ON A WEEKDAY OR BETWEEN 10 A.M. AND 4 P.M. ON A WEEKEND, AT A LOCATION THAT IS CONVENIENT AND GENERALLY ACCESSIBLE TO NEIGHBORS RESIDING IN PROXIMITY TO THE LAND SUBJECT TO THE PROPOSED APPLICATION, OR MAY BE HELD VIRTUALLY, AS NECESSARY.

2. NOTIFICATION

(A) INFORMATIONAL MAILING

(I) THE APPLICANT SHALL MAIL NOTICE OF THE MEETING AT LEAST 30 DAYS BEFORE THE MEETING.

(II) NOTICE SHALL BE MAILED TO:

(AA) THE PLANNING DIRECTOR;

(BB) ALL PERSONS TO WHOM MAILED NOTICE OF A PUBLIC HEARING ON THE APPLICATION IS REQUIRED BY SEC. 26-26, SCHEDULING OF HEARINGS AND PUBLIC NOTICE;

(CC) ALL CIVIC ASSOCIATIONS REGISTERED IN ACCORDANCE WITH SUBSECTION D "CIVIC ASSOCIATION OR RESIDENT REGISTRATION" OF THIS SECTION; AND

(DD) ALL ADJACENT LANDOWNERS (INCLUDING OWNERS WHOSE LAND LIES DIRECTLY ACROSS A STREET, ALLEY, OR STREAM FROM THE LAND SUBJECT TO THE APPLICATION BEING REVIEWED).

(III) AS TO RESIDENTS, AN APPLICANT COMPLIES WITH THIS SECTION BY PROVIDING THE CITY WITH AN ELECTRONIC VERSION OF THE INFORMATIONAL MAILING MORE THAN THIRTY (30) DAYS BEFORE THE CITY ACCEPTS AN APPLICATION. THE APPLICANT MAY ALSO NOTIFY ANY PERSON OR ENTITY REGISTERED IN ACCORDANCE WITH SUBSECTION (D)(2)(B) OF THIS SECTION. THE CITY SHALL BE RESPONSIBLE FOR EMAILING INFORMATIONAL MAILINGS TO RESIDENTS ON THE EMAIL REGISTRY.

SMALL CAPS: Indicate language added to the City Code.

- (IV) A CIVIC ASSOCIATION ENTITLED TO AN INFORMATIONAL MAILING MAY WAIVE THE REQUIREMENT, AND AN APPLICANT'S FILING OF A SIGNED WAIVER CONSTITUTES ITS COMPLIANCE WITH THE MAILING REQUIREMENT, FOR THE ENTITY SIGNING.

(B) POSTED NOTIFICATION

THE APPLICANT SHALL ALSO POST NOTIFICATION OF THE PRE-APPLICATION NEIGHBORHOOD MEETING ON THE LAND THAT IS THE SUBJECT OF THE APPLICATION AT LEAST 30 DAYS BEFORE THE DATE FIXED FOR THE MEETING.

(C) NOTIFICATION CONTENTS

THE MAILED AND POSTED NOTIFICATIONS SHALL STATE THE TIME AND PLACE OF THE MEETING, THE PURPOSE OF THE MEETING, INCLUDE A CURRENT ZONING SKETCH MAP CLEARLY IDENTIFYING THE LAND AREA ASSOCIATED WITH THE DEVELOPMENT, SUMMARIZE THE GENERAL NATURE OF THE DEVELOPMENT PROPOSAL, AND THE TYPE OF DEVELOPMENT APPROVAL OR PERMIT SOUGHT. ADDITIONALLY, THE NOTICE SHALL INCLUDE THE APPLICATION NUMBER, CONTACT INFORMATION FOR THE CITY TO OBTAIN MORE INFORMATION ABOUT THE APPLICATION AFTER IT IS FILED, AN APPLICANT TELEPHONE NUMBER AND EMAIL ADDRESS FOR PERSONS WISHING TO MEET, AN EXPLANATION OF THE PROCEDURES AND THE NECESSITY FOR BECOMING A PERSON OF RECORD FOR THE PROPOSED APPLICATION, AND A STATEMENT THAT NO GOVERNMENT AGENCY HAS REVIEWED THE APPLICATION. DEVELOPER OR BUILDER INFORMATION SHALL BE PROVIDED IF DIFFERENT THAN THE APPLICANT.

3. CONDUCT OF MEETING AND SUMMARY

(A) GENERALLY

THE PRE-APPLICATION NEIGHBORHOOD MEETING SHALL BE OPEN TO THE PUBLIC. AT THE MEETING, THE APPLICANT SHALL EXPLAIN THE DEVELOPMENT PROPOSAL AND APPLICATION, INFORM ATTENDEES ABOUT THE APPLICATION REVIEW PROCESS, RESPOND TO REASONABLE QUESTIONS OR CONCERNS NEIGHBORS RAISE ABOUT THE PROPOSED APPLICATION, AND DISCUSS WAYS TO RESOLVE REASONABLE CONFLICTS OR CONCERNS.

(B) PROJECT MATERIALS

THE APPLICANT SHALL ENSURE THE FOLLOWING MATERIALS ARE AVAILABLE FOR REVIEW AND DISCUSSION AT THE PRE-APPLICATION NEIGHBORHOOD MEETING:

- (I) A MAP OF THE PROPOSED DEVELOPMENT SITE CLEARLY INDICATING THE SITE LOCATION AND STREETS IN THE VICINITY;
- (II) ILLUSTRATIONS DEPICTING THE LAYOUT AND DESIGN OF THE PROPOSED DEVELOPMENT, EXISTING CONDITIONS, AND THE NEIGHBORHOOD CONTEXT;
- (III) A DEVELOPMENT FACT SHEET OR SUMMARY THAT INCLUDES, BUT IS NOT LIMITED TO, THE SIZE OF THE PROPOSED PROJECT, PROPOSED LAND USES, PROPOSED NUMBER OF DWELLING UNITS AND/OR AMOUNT OF GROSS SQUARE FOOTAGE, PROPOSED DENSITY AND INTENSITY OF THE PROJECT, PROPOSED BUILDING HEIGHTS, AND ANTICIPATED PARKING NEED;
- (IV) INFORMATION EXPLAINING THE DEVELOPMENT REVIEW PROCESS AND HOW MEMBERS OF THE PUBLIC MAY PARTICIPATE; AND
- (V) SIGN-IN SHEETS INCLUDING THE MEETING DATE AND TIME, MEETING ADDRESS, PROJECT ADDRESS, PROPERTY OWNER NAME, APPLICANT NAME AND CONTACT INFORMATION, AND SPACE FOR PARTICIPANTS TO INCLUDE THEIR NAME, ORGANIZATION, ADDRESS, PHONE NUMBER, AND EMAIL ADDRESS.

(C) WRITTEN SUMMARY OF MEETING

- (i) THE APPLICANT SHALL PREPARE A WRITTEN SUMMARY OF THE PRE-APPLICATION NEIGHBORHOOD MEETING THAT INCLUDES A LIST OF THOSE INVITED TO THE MEETING, MEETING ATTENDEES AND/OR A COPY OF THE SIGN-IN SHEET, COPIES OF THE MATERIALS DISTRIBUTED OR MADE AVAILABLE FOR REVIEW DURING THE MEETING, AND ANY OTHER INFORMATION THE APPLICANT DEEMS APPROPRIATE.
- (ii) THE APPLICANT SHALL EMAIL A COPY OF THE WRITTEN SUMMARY OF THE PRE-APPLICATION NEIGHBORHOOD MEETING TO ALL ATTENDEES THAT HAVE PROVIDED AN EMAIL ADDRESS.
- (iii) IF THE APPLICANT COMPLIES WITH ALL THE REQUIREMENTS FOR THE PRE-APPLICATION NEIGHBORHOOD MEETING ESTABLISHED ABOVE, AND NO ONE ATTENDS THE MEETING, THE APPLICANT MAY STATE THIS IN THE

SMALL CAPS: Indicate language added to the City Code.

WRITTEN SUMMARY, AND DEMONSTRATING COMPLIANCE WITH THE RELEVANT SUBSECTIONS, HAS NO FURTHER OBLIGATIONS UNDER ARTICLE II OF THIS CHAPTER TO CONDUCT A PRE-APPLICATION NEIGHBORHOOD MEETING.

(D) CIVIC ASSOCIATION OR RESIDENT REGISTRATION

(I) ANY CIVIC ASSOCIATION THAT MAINTAINS A REGISTRATION WITH THE PRINCE GEORGE'S COUNTY PLANNING DIRECTOR IN ACCORDANCE WITH THIS SUBSECTION IS ENTITLED TO INFORMATIONAL MAILINGS AND E-MAILS, FOR ALL PRE-APPLICATION NEIGHBORHOOD MEETINGS WITHIN THE ASSOCIATION'S DEFINED GEOGRAPHICAL AREA.

(II) (AA) TO REGISTER TO OBTAIN NOTICE OF PRE-APPLICATION NEIGHBORHOOD MEETINGS, A CIVIC ASSOCIATION SHALL PROVIDE THE FOLLOWING TO THE PRINCE GEORGE'S COUNTY PLANNING DIRECTOR: ITS NAME; THE NAMES, STREET ADDRESSES, AND E-MAIL ADDRESSES OF ALL ITS OFFICERS; THE NUMBER OF MEMBERS (INDIVIDUALS OR HOUSEHOLDS); THE GEOGRAPHICAL AREA IT REPRESENTS AND IS INTEREST-ED IN, BY A DESCRIPTION ACCEPTABLE TO THE PLANNING DIRECTOR; THE NAME, STREET ADDRESS, E-MAIL ADDRESS, AND DAYTIME TELEPHONE NUMBER OF THE INDIVIDUAL, THE ASSOCIATION DESIGNEE, WHO IS TO RECEIVE INFORMATIONAL MAILINGS IN THE INITIAL REGISTRATION PERIOD; AND THE INITIAL REGISTRATION'S EFFECTIVE DATES, WHICH MAY RUN FROM DATE OF FIRST REGISTRATION TO DECEMBER 31 OF THE FOLLOWING YEAR. TO CONTINUE TO RECEIVE NOTICE OF APPLICATIONS, AN ASSOCIATION SHALL RE-REGISTER EVERY TWO YEARS.

(BB) THE CITY SHALL ESTABLISH AND MAINTAIN AN EMAIL REGISTRY SO THAT ANY RESIDENT MAY RECEIVE THE SAME INFORMATIONAL MAILINGS AS A CIVIC ASSOCIATION. TO OBTAIN A REGISTRATION, A RESIDENT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE CITY: NAME; STREET ADDRESS; EMAIL ADDRESS; AND, DAYTIME TELEPHONE NUMBER. THE CITY MAY DELETE REGISTRATIONS FOR WHICH AN EMAIL ADDRESS CEASES TO FUNCTION.

(3) ASSOCIATIONS MAY REPRESENT OVERLAPPING GEOGRAPHICAL AREAS.

(4) THE PLANNING DIRECTOR MAY DECLINE REGISTRATION OF ANY ASSOCIATION WHICH PURPORTS TO REPRESENT AN AREA OF UNREASONABLE DESCRIPTION OR OTHERWISE DOES NOT MEET THE REQUIREMENTS OF THIS SUBSECTION.

SMALL CAPS: Indicate language added to the City Code.

(5) A WATERSHED PROTECTION GROUP THAT IS REGISTERED AS A SECTION 501(C)(3) ENVIRONMENTAL ORGANIZATION MAY DESIGNATE AN AREA CONSISTING OF THE WATERSHED WHOSE PROTECTION IS THE PURPOSE OF THE ORGANIZATION IF THE OFFICERS OF THE ORGANIZATION MAINTAIN THEIR PRIMARY RESIDENCE WITHIN THE WATERSHED.

SEC. 26-22. APPLICATION SUBMITTAL

DEVELOPMENT APPLICATIONS SHALL BE SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(A) AUTHORITY TO FILE APPLICATIONS

(1) APPLICATIONS FOR DEVELOPMENT APPROVALS AND PERMITS SHALL BE SUBMITTED BY:

(A) THE LANDOWNER; OR

(B) ANY OTHER PERSON OR ENTITY HAVING A LEGAL INTEREST IN THE LAND UPON WHICH THE DEVELOPMENT IS PROPOSED, OR THEIR AUTHORIZED AGENT.

(2) APPLICANT IS NOT THE OWNER

IF THE APPLICANT IS NOT THE OWNER OF THE LAND, OR IS A CONTRACT PURCHASER OF THE LAND, THE APPLICANT SHALL SUBMIT A LETTER SIGNED BY THE OWNER CONSENTING TO THE SUBMITTAL OF THE APPLICATION.

(3) APPLICANT IS NOT THE SOLE OWNER

IF THE APPLICANT IS NOT THE SOLE OWNER OF THE LAND, A LETTER SIGNED BY ALL THE OTHER OWNERS CONSENTING TO OR JOINING IN THE APPLICATION FOR DEVELOPMENT APPROVAL OR PERMIT SHALL BE SUBMITTED, ALONG WITH OWNER NAMES, RESIDENT AND BUSINESS MAILING ADDRESSES, THEIR PERCENT OF OWNERSHIP, AND SIGNATURES.

(B) APPLICATION CONTENTS AND FORM

THE APPLICATION CONTENTS AND FORM SHALL COMPLY WITH REQUIREMENTS ESTABLISHED BY DIVISION 3 OF THIS ARTICLE, APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS, AND THE PLANNING DIRECTOR.

(C) FEES

THE CITY COUNCIL SHALL ESTABLISH THE FEES REQUIRED FOR EACH TYPE OF DEVELOPMENT APPLICATION SUBMITTED UNDER ARTICLE II OF THIS CHAPTER, AS

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APPROPRIATE. NO APPLICATION IS COMPLETE UNTIL ALL REQUIRED FEES ARE PAID IN FULL.

(D) SUBMISSION SCHEDULE

THE BOWIE ADVISORY PLANNING BOARD SHALL ESTABLISH THE SCHEDULE FOR APPLICATION SUBMISSION AND REVIEW, BY APPLICATION TYPE AND BY TIME FRAMES FOR REVIEW CONSISTENT WITH ANY DEADLINES IMPOSED BY STATE OR COUNTY LAW.

(E) SIMULTANEOUS PROCESSING OF APPLICATIONS

(1) CONCURRENT REVIEW OF TWO OR MORE OF THE SAME TYPE APPLICATION THAT PROPOSE DIFFERENT DEVELOPMENT ALTERNATIVES FOR THE SAME PARCEL OR DEVELOPMENT SITE IS PROHIBITED.

(2) WHENEVER TWO OR MORE FORMS OR DIFFERENT TYPES OF DEVELOPMENT APPLICATIONS ARE REQUIRED FOR THE SAME PARCEL OR DEVELOPMENT SITE, THE APPLICATIONS FOR THOSE DEVELOPMENT APPROVALS OR PERMITS MAY BE PROCESSED SIMULTANEOUSLY, SO LONG AS ALL APPLICABLE STATE AND LOCAL REQUIREMENTS ARE SATISFIED. SIMULTANEOUS PROCESSING OF APPLICATIONS MAY RESULT IN ADDITIONAL FEES TO THE APPLICANT.

(F) APPLICATION SUBMITTAL AND NOTICE

(1) ALL DEVELOPMENT APPLICATIONS SHALL BE SUBMITTED TO THE PLANNING DIRECTOR, ALONG WITH THE FEES REQUIRED FOR THE APPLICATION.

(2) THE APPLICANT SHALL OBTAIN AN APPLICATION NUMBER FROM THE PLANNING DEPARTMENT BEFORE SENDING AN INFORMATIONAL NOTICE OF APPLICATION SUBMITTAL. THIS INFORMATIONAL NOTICE SHALL CONTAIN AT LEAST THE FOLLOWING: THE APPLICATION NUMBER; A DESCRIPTION OF THE PROPERTY AND ITS LOCATION; THE NATURE OF THE APPLICANT'S REQUEST; THE JUSTIFICATION STATEMENT, IF REQUIRED WITH THE APPLICATION; IDENTIFY THE PLANNING DEPARTMENT, WITH TELEPHONE NUMBER, TO OBTAIN MORE INFORMATION ABOUT THE APPLICATION AFTER IT IS FILED; A STATEMENT TO RECIPIENTS THAT THE APPLICANT WILL MEET, TO EXPLAIN THE APPLICATION; AN APPLICANT TELEPHONE NUMBER AND EMAIL ADDRESS, FOR PERSONS WILLING TO MEET; AN EXPLANATION OF THE PROCEDURES AND THE NECESSITY FOR BECOMING A PERSON OF RECORD IN THE PENDING APPLICATION; AND A STATEMENT THAT NO GOVERNMENT AGENCY HAS REVIEWED THE APPLICATION. A CIVIC ASSOCIATION, OR OTHER PARTY ENTITLED TO AN INFORMATIONAL MAILING MAY REQUEST A COPY OF THE SITE PLAN FROM THE

SMALL CAPS: Indicate language added to the City Code.

APPLICANT. INFORMATION MAILINGS REQUIRED BY THIS SECTION ARE IN ADDITION TO ALL POSTINGS AND NOTICES REQUIRED BY LAW.

(G) FILING OF AFFIDAVITS

(1) ETHICS AFFIDAVIT

OWNERS, APPLICANTS, AGENTS, AND ANY OTHERS AS APPROPRIATE SHALL FILE AN AFFIDAVIT OR AFFIDAVITS RELATED TO PAYMENTS OR CONTRIBUTIONS TO A MEMBER OF THE CITY COUNCIL IN ACCORDANCE WITH STATE LAW.

(2) AFFIDAVIT OF MAILING

THE APPLICANT SHALL FILE AN AFFIDAVIT OF MAILING, WHICH SHALL GIVE THE NAMES AND ADDRESSES OF ALL PERSONS SENT INFORMATIONAL MAILINGS AND THE DATES WHEN THEY WERE SENT.

SEC. 26-23. DETERMINATION OF COMPLETENESS

A. GENERALLY

(1) UPON SUBMITTAL OF A DEVELOPMENT APPLICATION, THE PLANNING DIRECTOR SHALL DETERMINE IF THE APPLICATION IS COMPLETE WITHIN 15 BUSINESS DAYS. A COMPLETE APPLICATION IS ONE THAT:

- (A) CONTAINS ALL APPLICATION CONTENT REQUIREMENTS ESTABLISHED FOR THE PARTICULAR TYPE OF APPLICATION IN ACCORDANCE WITH SECTION 26-22(B), APPLICATION CONTENTS AND FORM;
- (B) IS IN THE FORM REQUIRED FOR THE PARTICULAR TYPE OF APPLICATION IN ACCORDANCE WITH SECTION 26-22(B), APPLICATION CONTENTS AND FORM;
- (C) INCLUDES ALL REQUIRED AFFIDAVITS, SUCH AS THE APPLICANT'S AFFIDAVIT OF MAILING OF ANY REQUIRED INFORMATION NOTICES IN ACCORDANCE WITH SECTION 26-22(F), APPLICATION SUBMITTAL AND NOTICE;
- (D) INCLUDES INFORMATION IN SUFFICIENT DETAIL TO EVALUATE THE APPLICATION TO DETERMINE WHETHER IT COMPLIES WITH THE APPROPRIATE SUBSTANTIVE STANDARDS OF THIS ORDINANCE; AND
- (E) IS ACCOMPANIED BY THE FEES ESTABLISHED FOR THE PARTICULAR TYPE OF APPLICATION IN ACCORDANCE WITH SECTION 26-22(C) OF THIS CHAPTER.

(2) NO APPLICATION MAY BE DEEMED COMPLETE IF IT FAILS TO COMPLY WITH ANY OF THE ABOVE REQUIREMENTS.

B. APPLICATION INCOMPLETE

SMALL CAPS: Indicate language added to the City Code.

(1) IF IT IS DETERMINED THE APPLICATION IS INCOMPLETE, THE PLANNING DIRECTOR SHALL SEND WRITTEN NOTICE TO THE APPLICANT OF THE DEFICIENCIES, AND REVIEW OF THE APPLICATION SHALL NOT PROCEED. THE APPLICANT MAY CORRECT THE DEFICIENCIES AND RESUBMIT THE APPLICATION FOR COMPLETENESS DETERMINATION.

(2) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SUBSECTION, AFTER AN APPLICATION IS DETERMINED INCOMPLETE THREE TIMES, AN APPLICANT MAY REQUEST IN WRITING, AND THE PLANNING DIRECTOR SHALL PROCESS THE APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART OF ARTICLE II OF THIS CHAPTER, EVEN THOUGH IT IS NOT CONSIDERED A COMPLETE APPLICATION.

C. NOTICE OF COMPLETENESS

(1) WHEN THE PLANNING DIRECTOR DETERMINES AN APPLICATION HAS BEEN FILED IN PROPER FORM AND IS READY TO BE DETERMINED COMPLETE, THE PLANNING DIRECTOR SHALL NOTIFY THE APPLICANT IN WRITING, PREFERABLY BY E-MAIL. WHEN APPLICABLE, THE NAME AND CONTACT INFORMATION OF THE STAFF MEMBER ASSIGNED TO THE APPLICATION SHALL BE INCLUDED IN THE NOTICE.

(2) THE APPLICANT SHALL NOTIFY, IN WRITING AND VIA FIRST CLASS MAIL, CIVIC ASSOCIATIONS, ANY GOVERNED SPECIAL TAXING DISTRICT, AND OTHER PERSONS ENTITLED TO RECEIVE INFORMATIONAL MAILINGS THAT THE APPLICATION IS READY TO BE ACCEPTED. WHEN APPLICABLE, THE NAME AND CONTACT INFORMATION OF THE STAFF MEMBER ASSIGNED TO THE APPLICATION SHALL BE INCLUDED IN THE NOTICE.

(3) THE PLANNING DIRECTOR SHALL NOT FORMALLY DETERMINE AN APPLICATION AS COMPLETE OR BEGIN PROCESSING THE APPLICATION UNTIL AFTER THE APPLICANT HAS FILED AN AFFIDAVIT IN THE RECORD TO DOCUMENT COMPLETION OF A WRITTEN NOTICE OF ACCEPTANCE TO CIVIC ASSOCIATIONS, ANY GOVERNED SPECIAL TAXING DISTRICT, AND OTHER PERSONS ENTITLED TO RECEIVE INFORMATIONAL MAILINGS.

(4) THE APPLICANT SHALL NOTIFY, IN WRITING VIA FIRST CLASS MAIL, CIVIC ASSOCIATIONS, ANY GOVERNED SPECIAL TAXING DISTRICT, AND OTHER PARTIES ENTITLED TO RECEIVE INFORMATION MAILINGS THAT THE APPLICATION HAS BEEN DEEMED COMPLETE. WHEN APPLICABLE, THE NAME AND CONTACT INFORMATION OF THE STAFF MEMBER ASSIGNED TO THE APPLICATION SHALL BE INCLUDED IN THE NOTICE.

D. APPLICATION COMPLETE

SMALL CAPS: Indicate language added to the City Code.

(1) IF THE DEVELOPMENT APPLICATION IS DETERMINED COMPLETE OR IF THE APPLICANT HAS REQUESTED THAT THE APPLICATION BE PROCESSED IN ACCORDANCE WITH SECTION 26-23(B)(2) ABOVE, IT SHALL BE REVIEWED IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS OF THIS ARTICLE.

(2) APPLICATIONS REVIEWED AND DECIDED BY THE CITY COUNCIL, ADVISORY PLANNING BOARD, PLANNING DIRECTOR, OR ZONING VARIANCE HEARING BOARD, SHALL BE REFERRED TO THE HISTORIC PRESERVATION COMMISSION AT THIS STAGE FOR COMMENT, IF THE DEVELOPMENT APPLICATION INCLUDES LAND WHICH CONTAINS OR ABUTS AN HISTORIC SITE, RESOURCE, OR DISTRICT IDENTIFIED ON THE ADOPTED AND APPROVED HISTORIC SITES AND DISTRICTS PLAN, AS SOON AS FEASIBLE AFTER THE APPLICATION IS SUBMITTED AND DETERMINED COMPLETE.

(3) ANY ESTABLISHED TIME FRAME FOR REVIEW OF THE APPLICATION STARTS ON THE DATE IT IS DETERMINED COMPLETE, OR THE DATE IT IS REQUESTED TO BE PROCESSED IN ACCORDANCE WITH SECTION 26-23(B)(2) ABOVE.

E. RECORD OF COMPLETE APPLICATIONS

(1) WITHIN 10 DAYS AFTER THE END OF EACH MONTH, THE PLANNING DIRECTOR SHALL PROVIDE A LIST OF ALL APPLICATIONS DETERMINED COMPLETE DURING THAT MONTH, INCLUDING THOSE APPLICATIONS AUTHORIZED FOR ADMINISTRATIVE REVIEW AND/OR DISPOSITION PURSUANT TO THIS ARTICLE. THE LIST SHALL SET FORTH THE NAME OF THE APPLICANT, THE SIZE AND DESCRIPTION OF THE PROPERTY, AND THE EXISTING ZONING CLASSIFICATIONS OF THE PROPERTY. THE PLANNING DIRECTOR SHALL PUBLISH THE REPORT ON THE CITY WEBSITE. ANY PERSON MAY REQUEST, IN WRITING, A COPY OF THE REPORT SENT BY FIRST CLASS MAIL. A REASONABLE FEE MAY BE CHARGED TO COVER THE COSTS OF POSTAGE AND COPYING.

(2) ONE COPY OF THE LIST DESCRIBED ABOVE SHALL BE MAILED BY THE PLANNING DIRECTOR ON A SUBSCRIPTION BASIS WITHOUT CHARGE TO ANY HOMEOWNERS, NEIGHBORHOOD, CIVIC, OR SIMILAR ASSOCIATION THAT HAS REGISTERED WITH THE PLANNING DIRECTOR.

SEC. 26-24. APPLICATION AMENDMENT OR WITHDRAWAL

AMENDING AN APPLICATION

(1) AN APPLICANT MAY REVISE A DEVELOPMENT APPLICATION AS FOLLOWS:

(A) AMENDMENTS CONCERNING EITHER (1) AN ERROR, OMISSION OF FACT, OR OTHER FACTUAL CHANGE OR (2) MADE BY THE APPLICANT IN DIRECT RESPONSE

SMALL CAPS: Indicate language added to the City Code.

TO AN ADVISORY OR DECISION-MAKING BODY RECOMMENDATION, IF THE AMENDMENT IS NOT COVERED BY SUBSECTIONS (B) OR (C), BELOW, ARE PERMITTED AT ANY TIME AFTER RECEIVING INITIAL STAFF REVIEW COMMENTS ON THE APPLICATION, OR UPON REQUESTING AND RECEIVING PERMISSION FROM AN ADVISORY OR DECISION-MAKING BODY AFTER THAT BODY HAS REVIEWED BUT NOT YET TAKEN ACTION ON THE APPLICATION.

(B) AMENDMENTS WHICH INVOLVE SUBSTANTIAL MODIFICATIONS TO THE ORIGINAL PROPOSAL SUCH AS CHANGING A SIGNIFICANT AREA OR CONFIGURATION SHALL CAUSE THE APPLICATION TO BE REVIEWED AGAIN IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE II OF THIS CHAPTER.

(C) AMENDMENTS CONCERNING A CHANGE IN A REQUESTED USE TYPE OR USE CATEGORY, WHERE APPROPRIATE, SHALL BE ACCOMPANIED BY A NEW (REVISED) JUSTIFICATION STATEMENT.

B. WITHDRAWAL OF APPLICATION

(1) WITHDRAWAL BY APPLICANT

AFTER AN APPLICATION HAS BEEN ACCEPTED AS COMPLETE FOR REVIEW, THE APPLICANT MAY WITHDRAW THE APPLICATION AT ANY TIME BY SUBMITTING A LETTER OF WITHDRAWAL TO THE PLANNING DIRECTOR, OR BY VERBALLY WITHDRAWING THE APPLICATION AT A PUBLIC HEARING FOR WHICH REVIEW OF THE APPLICATION IS SCHEDULED.

(2) WITHDRAWAL THROUGH INACTION

IF AN APPLICANT REQUESTS OR CAUSES CONTINUING POSTPONEMENT OF SUBMISSIONS OR ACTIONS REQUIRED TO COMPLETE THE APPLICATION REVIEW PROCESS, AND SUCH POSTPONEMENT CAUSES INACTION FOR SIX OR MORE MONTHS IN THE REVIEW OF THE APPLICATION, THE APPLICATION MAY BE CONSIDERED WITHDRAWN, AND THE PLANNING DIRECTOR SHALL NOTIFY THE APPLICANT IN WRITING.

(3) APPLICATION FEES REFUNDED

APPLICATION FEES MAY BE REFUNDED AT THE DISCRETION OF THE DECISION-MAKING BODY IF THE APPLICATION IS WITHDRAWN PRIOR TO THE FIRST PUBLIC HEARING ON THE APPLICATION. IN ALL OTHER INSTANCES, APPLICATION FEES WILL NOT BE REFUNDED.

SEC. 26-25. STAFF REVIEW AND ACTION

SMALL CAPS: Indicate language added to the City Code.

A. STAFF REVIEW AND OPPORTUNITY TO REVISE APPLICATION

- (1) WHEN THE DEVELOPMENT APPLICATION IS DETERMINED COMPLETE, OR IS PROCESSED IN ACCORDANCE WITH SECTION 26-23(B)(2) ABOVE, THE PLANNING DIRECTOR SHALL DISTRIBUTE IT TO ALL APPROPRIATE PUBLIC AGENCIES FOR REVIEW AND COMMENT.
- (2) THE PLANNING DIRECTOR SHALL THEN REVIEW THE APPLICATION, ALONG WITH THE RELEVANT SUPPORT MATERIAL, AND ANY COMMENTS. IF DEFICIENCIES IN COMPLYING WITH APPLICABLE STANDARDS ARE IDENTIFIED, THE PLANNING DIRECTOR SHALL NOTIFY THE APPLICANT OF THOSE DEFICIENCIES AND PROVIDE THE APPLICANT A REASONABLE OPPORTUNITY TO DISCUSS THE DEFICIENCIES AND REVISE THE APPLICATION TO ADDRESS THEM, IN ACCORDANCE WITH SECTION 26-24(A), AMENDING AN APPLICATION.

B. APPLICATION SUBJECT TO STAFF RECOMMENDATION

(1) STAFF REPORT

THE PLANNING DIRECTOR SHALL, FOLLOWING COMPLETION OF STAFF AND AGENCY REVIEW, PREPARE A STAFF REPORT THAT:

- (A) ANALYZES WHETHER THE APPLICATION COMPLIES WITH APPLICABLE REVIEW STANDARDS;
- (B) DELINEATES THE APPROXIMATE AREA OF THE NEIGHBORHOOD, EITHER ON THE OFFICIAL ZONING MAP, AN AERIAL PHOTOGRAPH, OR A SKETCH MAP, AS APPROPRIATE;
- (C) DESCRIBES LAND USE AND ZONING IN THE NEIGHBORHOOD;
- (D) RECOMMENDS ACTION ON THE APPLICATION, INCLUDING ANY RECOMMENDED CONDITIONS OF APPROVAL; AND,
- (E) FOR DEVELOPMENT APPLICATIONS SUBJECT TO EVIDENTIARY HEARINGS, SUMMARIZES ANY WRITTEN COMMUNICATIONS RELEVANT TO THE REVIEW STANDARDS APPLICABLE FOR THE APPLICATION TYPE PROVIDED BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT, AND RECEIVED BY THE PLANNING DIRECTOR AT LEAST ONE (1) WEEK PRIOR TO THE PUBLICATION OF THE TECHNICAL STAFF REPORT. SUCH SUMMARY SHALL INCLUDE THE PLANNING DIRECTOR'S RESPONSE TO THE OBJECTIONS AND ARGUMENTS MADE BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT, AND SHALL BE MADE PART OF THE RECORD. IF THERE ARE OBJECTIONS AND ARGUMENTS MADE BY MULTIPLE PEOPLE OR ORGANIZATIONS IN OPPOSITION, THE PLANNING DIRECTOR SHALL

SMALL CAPS: Indicate language added to the City Code.

SUMMARIZE EACH SEPARATE ISSUE RAISED INSTEAD OF ADDRESSING EACH INDIVIDUAL PERSON OR ORGANIZATION. THE SUMMARY SHOULD ALSO COMMENT ON OBJECTIONS AND ARGUMENTS MADE BY THE OPPOSITION AND BY THOSE IN SUPPORT THAT, WHILE NOT RELEVANT TO THE REVIEW STANDARDS APPLICABLE TO THE APPLICATION TYPE, WOULD BE PERTINENT TO OTHER APPROVALS REQUIRED IN THE DEVELOPMENT PROCESS.

(2) DISTRIBUTION AND AVAILABILITY OF APPLICATION AND STAFF REPORT

(A) AFTER COMPLETION OF THE STAFF REPORT, THE PLANNING DIRECTOR SHALL TRANSMIT THE APPLICATION AND REPORT TO THE DECISION-MAKING BODY. THE PLANNING DIRECTOR SHALL ALSO PROVIDE THE APPLICANT A COPY OF THE STAFF REPORT AND MAKE A COPY OF THE REPORT AVAILABLE FOR EXAMINATION BY THE PUBLIC NO LESS THAN 2 WEEKS PRIOR TO THE SCHEDULED HEARING.

(B) ANY PERSON MAY REQUEST, IN WRITING, A COPY OF THE STAFF REPORT SENT BY FIRST CLASS MAIL. A REASONABLE FEE MAY BE CHARGED TO COVER THE COSTS OF POSTAGE AND COPYING. SUCH PERSONS SHALL BE SENT A COPY OF THE STAFF REPORT.

(C) APPLICATION SUBJECT TO DECISION BY PLANNING DIRECTOR

IF AN APPLICATION IS SUBJECT TO A FINAL DECISION BY THE PLANNING DIRECTOR AS SET FORTH IN DIVISION 3 OF THIS ARTICLE, THE PLANNING DIRECTOR SHALL MAKE A DECISION ON THE APPLICATION, CONSISTING OF ONE OF THE ALLOWED DECISIONS IN, AND BASED ON THE REVIEW STANDARDS IN DIVISION 3 OF THIS ARTICLE, APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS, FOR THE SPECIFIC TYPE OF APPLICATION.

SEC. 26-26. SCHEDULING OF HEARINGS AND PUBLIC NOTICE

A. PUBLIC HEARING SCHEDULING

THE SCHEDULING OF PUBLIC HEARINGS FOR APPLICATIONS SUBJECT TO A PUBLIC HEARING IN ACCORDANCE WITH DIVISION 3 OF THIS ARTICLE, APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS, SHALL BE AS FOLLOWS:

- (1) THE PLANNING DIRECTOR SHALL ENSURE THAT THE HEARING ON THE APPLICATION IS SCHEDULED FOR A REGULARLY SCHEDULED MEETING OF THE BODY CONDUCTING THE HEARING, OR A MEETING SPECIALLY CALLED FOR THAT PURPOSE BY THAT BODY.

SMALL CAPS: Indicate language added to the City Code.

- (2) PUBLIC HEARINGS SHALL BE SCHEDULED SO THERE IS SUFFICIENT TIME FOR ANY REQUIRED STAFF REPORT TO BE PREPARED AND DISTRIBUTED IN ACCORDANCE WITH SECTION 26-25(B)(1), STAFF REPORT, AND FOR PUBLIC NOTIFICATION IN ACCORDANCE WITH SECTION 26-26(B) BELOW.

B. PUBLIC NOTICE

(1) GENERALLY

NOTIFICATION SHALL BE PROVIDED FOR ALL REQUIRED PUBLIC HEARINGS ON APPLICATIONS IN ACCORDANCE WITH THE TABLE BELOW: REQUIRED PUBLIC NOTICE, ALL OTHER PROVISIONS OF THIS CHAPTER, AND THE MARYLAND LAND USE ARTICLE.

REQUIRED PUBLIC NOTICE, ALL OTHER PROVISIONS OF THIS CHAPTER AND THE MARYLAND LAND USE ARTICLE		
APPLICATION TYPE	REQUIRED TIMING AND SPECIFIC RECIPIENTS	MAIL
MINOR CHANGES TO APPROVED SPECIAL EXCEPTION	APPLICATION DECISION ONLY, TO: • PARTIES OF RECORD; AND • CITY COUNCIL.	14 DAYS FOLLOWING DETERMINATION OF COMPLETENESS; MAY BE WAIVED BY PLANNING DIRECTOR IN ACCORDANCE WITH ARTICLE II OF THIS CHAPTER
MAJOR DEPARTURE	14 DAYS PRIOR TO THE ADVISORY PLANNING BOARD HEARING, TO: • PARTIES OF RECORD • OWNERS OF LAND ADJOINING, ACROSS THE STREET FROM, ON THE SAME BLOCK AS, OR WITHIN 500 FEET OF THE LAND SUBJECT TO THE APPLICATION; AND • 14 DAYS PRIOR TO THE ADVISORY PLANNING BOARD HEARING, TO: • PARTIES OF RECORD;	30 DAYS PRIOR TO THE HEARING EXCEPT: WHEN ASSOCIATED WITH A COMPANION (PARENT) APPLICATION, NOTICE SHALL BE THE SAME AS THAT REQUIRED FOR THE COMPANION (PARENT) APPLICATION.
NONCONFORMING USE	30 DAYS PRIOR TO THE HEARING, TO: • THE APPLICANT; AND • PERSONS OF RECORD	WITHIN 10 DAYS AFTER APPLICATION DETERMINED COMPLETE.
VARIANCE HEARING	15 DAYS PRIOR TO THE HEARING, TO: • THE APPLICANT • OWNERS OF ALL LANDS ABUTTING OR OPPOSITE THE LAND SUBJECT TO THE APPLICATION; (4) AND	15 DAYS PRIOR TO THE HEARING

SMALL CAPS: Indicate language added to the City Code.

(2) CONTENT

ALL NOTICES REQUIRED BY THIS SECTION SHALL INCLUDE:

- (A) THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING ON THE APPLICATION;
- (B) THE APPLICATION NUMBER AND THE TYPE OF APPLICATION BEING CONSIDERED;
- (C) THE DESCRIPTION OF THE LAND TO INCLUDE THE SIZE AND ZONING OF THE PROPERTY;
- (D) A SUMMARY OF THE APPLICANT'S REQUEST;
- (E) A PHONE NUMBER AND E-MAIL ADDRESS, PROMINENTLY DISPLAYED, TO CALL OR E-MAIL FOR ADDITIONAL INFORMATION, ALONG WITH THE WEBSITE ADDRESS OF THE PLANNING DEPARTMENT, THE ADVISORY PLANNING BOARD, AND ZONING VARIANCE HEARING BOARD, AS APPROPRIATE;
- (F) IF A PUBLIC HEARING IS REQUIRED, THE WORD "HEARING" SHALL BE PROMINENTLY DISPLAYED; AND
- (G) A STATEMENT, CLEARLY DISPLAYED, THAT ANY MEMBER OF THE PUBLIC IS WELCOME TO ATTEND THE PUBLIC HEARING AND SPEAK EITHER IN SUPPORT OR OPPOSITION TO THE PUBLIC HEARING.

(3) REGISTRATION TO RECEIVE NOTICE

- (A) ANY CIVIC OR NEIGHBORHOOD ORGANIZATION OR OTHER ORGANIZATION IN THE COUNTY MAY REGISTER WITH THE COUNTY PLANNING DIRECTOR TO RECEIVE NOTICE OF APPLICATIONS AND PUBLIC HEARINGS. REGISTRATION SHALL BE IN ACCORDANCE WITH PRINCE GEORGE'S COUNTY CODE, SEC. 27-3402(D).
- (B) THE NOTICE SHALL BE TRANSMITTED BY ELECTRONIC MAIL, OR IF REQUESTED BY THE ORGANIZATION, BY MAIL.

(4) MAILED NOTICE

THE PLANNING DIRECTOR SHALL MAIL NOTICE AS REQUIRED IN SECTION 26-26(B)(1) ABOVE. THE FAILURE OF ANY PARTY TO RECEIVE THE MAILING SHALL NOT INVALIDATE ANY FINAL ACTION ON THE APPLICATION.

(5) POSTED NOTICE

WHERE REQUIRED BY THE TABLE IN SECTION 26-26(B)(1) ABOVE, THE CITY SHALL OBTAIN AND ERECT ALL POSTED NOTICE AS FOLLOWS:

SMALL CAPS: Indicate language added to the City Code.

(A) NUMBER, DIMENSIONS, AND ORIENTATION

POSTED NOTICE SIGNS SHALL BE DISPLAYED AS FOLLOWS:

- (I) IF THE SITE SUBJECT TO THE APPLICATION HAS FRONTAGE ON ONE OR MORE IMPROVED STREETS, THERE SHALL BE ONE SIGN POSTED FOR EACH 500 FEET, OR FRACTION THEREOF, OF FRONTAGE ON EACH STREET. THE SIGN(S) SHALL BE POSTED ON THE SITE NEAR THE STREET RIGHT-OF-WAY, AND ORIENTED TO MAXIMIZE THEIR VISIBILITY TO MOTORISTS. WHEN MORE THAN ONE SIGN IS REQUIRED TO BE POSTED ALONG A STREET, THE SIGNS SHALL, WHERE PRACTICABLE, BE EVENLY SPACED ALONG THE STREET.
- (II) THE POSTED NOTICE SIGN(S) SHALL BE SINGLED-SIDED IF THE SITE OCCUPIES FRONTAGE ON A CUL-DE-SAC, AT THE END OF A DEAD-END STREET, OR ON A ONE-WAY STREET. THE SIGN(S) SHALL BE ORIENTED TO MAXIMIZE THEIR VISIBILITY TO MOTORISTS.
- (III) THE POSTED NOTICE SIGN(S) SHALL BE DOUBLE-SIDED IF THE SITE OCCUPIES FRONTAGE ON A STREET THAT IS VISIBLE TO TWO-WAY TRAFFIC. THESE SIGN(S) SHALL BE CONFIGURED IN A "V" SHAPE, AT A 45-DEGREE ANGLE, AND ORIENTED TO MAXIMIZE THEIR VISIBILITY TO MOTORISTS.
- (IV) IF THE SITE DOES NOT HAVE FRONTAGE ON AN IMPROVED PUBLIC STREET, THEN ONE SIGN SHALL BE PLACED ON THE LAND SUBJECT TO THE APPLICATION. THE SIGN SHALL BE NEAR THE BOUNDARY OF THE SITE AND VISIBLE FROM ADJOINING LAND. ANOTHER SIGN SHALL BE PLACED NEAR TO, AND VISIBLE FROM, THE IMPROVED PORTION OF THE NEAREST, MOST-TRAVELED STREET. THIS SIGN SHALL INDICATE IT IS NOT ON THE LAND SUBJECT TO THE APPLICATION.
- (V) IF THE PLACEMENT OF ANY SIGN ON THE LAND SUBJECT TO THE APPLICATION IS NOT VISIBLE TO MOTORISTS FROM ADJOINING STREETS, THE PLANNING DIRECTOR MAY REQUIRE PLACEMENT OF ADDITIONAL SIGNS, AS NEEDED, TO ENSURE THAT NOTICE ABOUT THE APPLICATION AND PUBLIC HEARING IS ACCESSIBLE TO THE GENERAL PUBLIC.

SMALL CAPS: Indicate language added to the City Code.

(VI) POSTED NOTICE SIGNS SHALL BE A MINIMUM OF 44 INCHES BY 28 INCHES IN SIZE AND SHALL NOT EXCEED 72 INCHES IN WIDTH OR 48 INCHES IN HEIGHT.

(B) DISPLAY AND MAINTENANCE OF POSTED NOTICE

- (I) ALL SIGNS SHALL BE POSTED AND DISPLAYED FOR A CONTINUOUS PERIOD OF TIME AS SET FORTH IN THE TABLE IN SECTION 26-26(B).
- (II) THE SIGN(S) SHALL BE DURABLE, CONSPICUOUS, AND LEGIBLE FOR THE LENGTH OF THE REQUIRED POSTING PERIOD.
- (III) THE APPLICANT IS RESPONSIBLE FOR THE REASONABLE MAINTENANCE OF ALL SIGNS. IF A SIGN IS REMOVED, FALLS DOWN, OR IS OTHERWISE NOT PROPERLY LOCATED ON THE SITE SUBJECT TO THE APPLICATION, OR IN THE RIGHT-OF-WAY, FOR ANY PORTION OF THE REQUIRED POSTING PERIOD, THE APPLICANT SHALL IMMEDIATELY NOTIFY THE PLANNING DIRECTOR FOR REPOSTING OF THE SIGN.
- (IV) THE CITY SHALL REMOVE THE SIGNS FROM THE SITE WITHIN 15 DAYS AFTER THE PUBLIC HEARING ON THE APPLICATION.
- (V) THE PERSON POSTING THE SIGN SHALL FILE A WRITTEN AFFIDAVIT OF POSTING IN THE RECORD. A CLOSE-UP, LEGIBLE PHOTOGRAPH OF EACH POSTED SIGN AND ADDITIONAL LONG-DISTANCE PHOTOGRAPHS DEPICTING THE SIGNS AND UNIQUE, IDENTIFIABLE FEATURES OF THE LAND SUBJECT TO THE APPLICATION SHALL ALSO BE SUBMITTED AND INCLUDED IN THE RECORD FOR THE CASE.
- (VI) THE APPLICANT SHALL INSPECT THE SIGN(S) AT LEAST ONE TIME NO LATER THAN THE 15TH DAY OF POSTING TO ENSURE THAT THE SIGNS ARE MAINTAINED. THE PERSON CONDUCTING THE INSPECTION SHALL FILE IN THE RECORD A WRITTEN AFFIDAVIT OF THE SIGN'S CONDITION. AN AFFIDAVIT OF POSTING SHALL BE FILED WITH THE PLANNING DIRECTOR NO LATER THAN THE DAY OF THE HEARING.
- (VII) ANY UNAUTHORIZED PERSON REMOVING, DESTROYING, DEFACING, OBSTRUCTING, OR OTHERWISE INTERFERING WITH A POSTED SIGN (DIRECTLY OR INDIRECTLY) IS IN VIOLATION OF ARTICLE II OF THIS CHAPTER AND SUBJECT TO ANY PENALTIES PROVIDED BY THE CITY CODE, THIS CHAPTER AND STATE LAW. INTERFERENCE WITH A POSTED SIGN SHALL IN NO WAY DELAY OR INVALIDATE THE APPLICATION.

SMALL CAPS: Indicate language added to the City Code.

(C) DEFERRAL OF APPLICATION**(1) REQUEST FOR DEFERRAL**

AN APPLICANT MAY REQUEST IN WRITING THAT THE ADVISORY PLANNING BOARD'S CONSIDERATION OF AN APPLICATION AT A PUBLIC HEARING BE DEFERRED AT ANY TIME PRIOR TO THE PUBLIC HEARING.

(2) DECISION ON REQUEST SUBMITTED PRIOR TO PUBLIC NOTIFICATION

(A) IF PUBLIC NOTICE IN ACCORDANCE WITH SECTION 26-26(B) ABOVE, HAS NOT BEEN PROVIDED, THE PLANNING DIRECTOR MAY GRANT THE REQUEST FOR GOOD CAUSE.

(B) IF A DEFERRAL IS GRANTED, THE DATE OF THE PUBLIC HEARING AT WHICH THE APPLICATION WILL BE HEARD SHALL BE SET AT THE TIME THE DEFERRAL IS GRANTED.

(3) DECISION ON REQUEST SUBMITTED AFTER PUBLIC NOTIFICATION

(A) IF PUBLIC NOTIFICATION IN ACCORDANCE WITH SECTION 26-26(B) ABOVE, HAS BEEN PROVIDED, THE REQUEST FOR DEFERRAL SHALL BE PLACED ON THE PUBLIC HEARING AGENDA ON THE DATE THE APPLICATION IS TO BE CONSIDERED AND ACTED UPON BY THE CITY COUNCIL OR ADVISORY PLANNING BOARD.

(B) THE CITY COUNCIL OR ADVISORY PLANNING BOARD MAY APPROVE THE REQUEST FOR DEFERRAL, FOR GOOD CAUSE.

(C) IF A DEFERRAL IS GRANTED, THE DATE OF THE PUBLIC HEARING AT WHICH THE APPLICATION WILL BE HEARD SHALL BE SET AT THE TIME THE DEFERRAL IS GRANTED. THE APPLICANT MAY BE SUBJECT TO ADDITIONAL APPLICATION FEES TO DEFRAY THE ADDITIONAL COSTS OF PROCESSING THE APPLICATION.

SEC. 26-27. REVIEW AND RECOMMENDATION BY ADVISORY BOARD OR OFFICIAL

IF A DEVELOPMENT APPLICATION IS SUBJECT TO A RECOMMENDATION BY THE ADVISORY PLANNING BOARD OR PLANNING DIRECTOR, UNLESS OTHERWISE PROVIDED IN THIS ARTICLE, THE ADVISORY PLANNING BOARD, ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR SHALL REVIEW AND ACT ON THE APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(A) GENERAL

SMALL CAPS: Indicate language added to the City Code.

- (1) THE ADVISORY PLANNING BOARD, ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR SHALL HOLD ANY REQUIRED PUBLIC HEARING ON THE APPLICATION, AS APPROPRIATE. AT THE HEARING, THE ADVISORY PLANNING BOARD OR PLANNING DIRECTOR SHALL CONSIDER THE APPLICATION, RELEVANT SUPPORTING MATERIALS, THE STAFF REPORT, AND ANY PUBLIC COMMENTS, AND THEN RECOMMEND ONE OF THE DECISIONS AUTHORIZED FOR THE PARTICULAR TYPE OF APPLICATION, BASED ON THE DECISION STANDARDS APPLICABLE FOR THE APPLICATION TYPE.
- (2) WHEN RECOMMENDING A DECISION FOR A DEVELOPMENT APPLICATION SUBJECT TO AN EVIDENTIARY HEARING IN DIVISION 3, ARTICLE 2 OF THIS CHAPTER, THE ADVISORY PLANNING BOARD OR OFFICIAL SHALL INCLUDE A SUMMARY OF THE ORAL AND WRITTEN TESTIMONY SUBMITTED BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT THAT IS RELEVANT TO THE REVIEW STANDARDS APPLICABLE FOR THE APPLICATION TYPE. SUCH SUMMARY SHALL RESPOND TO THE OBJECTIONS AND ARGUMENTS MADE BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT, AND SHALL BE MADE A PART OF THE RECORD. THE SUMMARY SHOULD ALSO COMMENT ON OBJECTIONS AND ARGUMENTS MADE BY THE OPPOSITION AND BY THOSE IN SUPPORT THAT, WHILE NOT RELEVANT TO THE REVIEW STANDARDS APPLICABLE TO THE APPLICATION TYPE, WOULD BE PERTINENT TO OTHER APPROVALS REQUIRED IN THE DEVELOPMENT PROCESS.

(B) TIMING

THE ADVISORY PLANNING BOARD, ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR SHALL TAKE ACTION WITHIN ANY TIME PERIOD SPECIFIED IN THIS ARTICLE FOR THE TYPE OF APPLICATION; OTHERWISE, IF TIME PERIODS ARE NOT SPECIFIED, ACTION SHALL BE TAKEN AS PROMPTLY AS REASONABLY POSSIBLE.

(C) CONDITIONS OF APPROVAL

IF PERMITTED FOR THE PARTICULAR TYPE OF APPLICATION, THE ADVISORY PLANNING BOARD, ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR MAY RECOMMEND CONDITIONS OF APPROVAL.

SEC. 26-28. REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICIAL

THE DECISION-MAKING BODY OR OFFICIAL, UNLESS STATED OTHERWISE IN DIVISION 3 OF ARTICLE II HEREOF, SHALL REVIEW AND MAKE A FINAL DECISION ON THE APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS IN THIS SECTION.

SMALL CAPS: Indicate language added to the City Code.

(A) GENERAL

- (1) THE DECISION-MAKING BODY OR OFFICIAL SHALL HOLD ANY REQUIRED PUBLIC HEARING ON THE APPLICATION. AT THE HEARING, THE DECISION-MAKING BODY OR OFFICIAL SHALL CONSIDER THE APPLICATION, RELEVANT SUPPORT MATERIALS, THE STAFF REPORT, ANY RECOMMENDATIONS BY ADVISORY BOARDS OR OFFICIALS, AND ANY PUBLIC COMMENTS. THE BODY OR OFFICIAL SHALL THEN MAKE ONE OF THE DECISIONS AUTHORIZED FOR THE PARTICULAR TYPE OF APPLICATION, BASED ON THE REVIEW STANDARDS APPLICABLE FOR THE APPLICATION TYPE.
- (2) WHEN RECOMMENDING A DECISION FOR A DEVELOPMENT APPLICATION SUBJECT TO AN EVIDENTIARY HEARING IN SECTION 26-29 OF THE CITY CODE, THE ADVISORY BOARD OR OFFICIAL SHALL INCLUDE A SUMMARY OF THE ORAL AND WRITTEN TESTIMONY SUBMITTED BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT THAT IS RELEVANT TO THE REVIEW STANDARDS APPLICABLE FOR THE APPLICATION TYPE. SUCH SUMMARY SHALL RESPOND TO THE OBJECTIONS AND ARGUMENTS MADE BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT, AND SHALL BE MADE A PART OF THE RECORD. THE SUMMARY SHOULD ALSO COMMENT ON OBJECTIONS AND ARGUMENTS MADE BY THE OPPOSITION AND BY THOSE IN SUPPORT THAT, WHILE NOT RELEVANT TO THE REVIEW STANDARDS APPLICABLE TO THE APPLICATION TYPE, WOULD BE PERTINENT TO OTHER APPROVALS REQUIRED IN THE DEVELOPMENT PROCESS.

(B) TIMING

THE DECISION-MAKING BODY OR OFFICIAL SHALL TAKE ACTION WITHIN ANY TIME SPECIFIED FOR THE TYPE OF APPLICATION; OTHERWISE, IT SHALL TAKE ACTION AS PROMPTLY AS REASONABLY POSSIBLE IN CONSIDERATION OF THE INTERESTS OF THE APPLICANT, AFFECTED PARTIES, AND RESIDENTS OF THE CITY.

(C) CONDITIONS OF APPROVAL

IF PERMITTED FOR THE PARTICULAR TYPE OF APPLICATION, THE DECISION-MAKING BODY OR OFFICIAL MAY IMPOSE CONDITIONS OF APPROVAL.

(D) REMAND

BEFORE MAKING ITS DECISION, THE DECISION-MAKING BODY OR OFFICIAL MAY REMAND THE APPLICATION, ONCE, TO AN ADVISORY BOARD OR OFFICIAL, AS APPLICABLE, FOR FURTHER CONSIDERATION OF THE ISSUES IDENTIFIED IN THE REMAND ORDER, WHICH SHALL BE BASED ON THE RECORD. WHENEVER THE DISTRICT

COUNCIL REMANDS AN APPLICATION FOR A NONCONFORMING USE, THE TIME FOR FILING SHALL RUN ANEW FROM THE DATE OF THE REMAND BY THE DISTRICT COUNCIL.

SEC. 26-29. EVIDENTIARY HEARING

A. GENERALLY

THIS SECTION APPLIES WHERE AN EVIDENTIARY HEARING IS REQUIRED FOR THE FOLLOWING TYPES OF DEVELOPMENT APPLICATIONS:

1. VARIANCES;
2. MAJOR DEPARTURES;
3. NONCONFORMING USES

B. LIMITATION OF TIME

PARTIES SHALL GENERALLY BE LIMITED TO ONE (1) HOUR FOR EACH SIDE. FOR GOOD CAUSE, THE ADVISORY PLANNING BOARD MAY GRANT ADDITIONAL TIME.

C. ORDER OF PRESENTATION

1. THE ORDER OF PRESENTING EVIDENTIARY CASES SHALL BE AS FOLLOWS:

- (A) STAFF PRESENTATION;
- (B) APPLICANT'S CASE;
- (C) OPPOSITION'S CASE;
- (D) REBUTTAL BY APPLICANT;
- (E) SURREBUTTAL BY OPPOSITION;
- (F) PUBLIC AGENCY COMMENTS AND EXAMINATION;
- (G) SUMMATION BY OPPOSITION;
- (H) SUMMATION BY APPLICANT.

2. IN ALL CASES (INCLUDING CASES REMANDED BY THE CITY COUNCIL OR DISTRICT COUNCIL FOR A NONCONFORMING USE), THE ORDER OR PRESENTATION MAY BE MODIFIED BY THE ADVISORY PLANNING BOARD AS THE NATURE OF THE CASE WARRANTS.

D. PARTICIPATION OF ADVISORY PLANNING BOARD

THE ADVISORY PLANNING BOARD SHALL RULE UPON PROCEDURAL MATTERS, QUESTIONS OF LAW, EVIDENCE, MOTIONS, OR OBJECTIONS, AND MAY LIMIT DEBATE. THE ADVISORY PLANNING BOARD MAY ASK QUESTIONS OF ANY WITNESS.

E. WITNESSES

SMALL CAPS: Indicate language added to the City Code.

1. ALL PERSONS WHO APPEAR TO TESTIFY IN AN EVIDENTIARY CASE SHALL BE SWORN.
REASONABLE CROSS-EXAMINATION OF WITNESSES SHALL BE PERMITTED.
2. ALL SUBPOENAS SHALL BE SERVED IN THE MANNER PROVIDED BY THE MARYLAND
RULES OF CIVIL PROCEDURE FOR SERVICE IN THE CIRCUIT COURTS OF THIS STATE.
NO PERSON SHALL DISOBEY OR FAIL TO ANSWER A SUBPOENA. A WITNESS MAY BE
EXCUSED FROM ATTENDANCE IF HE CAN SHOW THAT HIS PLACEMENT UNDER
SUBPOENA WAS FRIVOLOUS OR OPPRESSIVE.

F. TRANSCRIPTS

A COMPLETE TRANSCRIPT CONTAINING ALL RECORD TESTIMONY (INCLUDING
EXHIBITS BY REFERENCE) SHALL BE PREPARED IF AN APPEAL OR A REQUEST FOR ORAL
ARGUMENT IS FILED, OR WHERE THE CITY COUNCIL ELECTS TO MAKE THE FINAL
DECISION.

G. REFERRAL TO AGENCIES

CASES MAY BE REFERRED TO ANY DEPARTMENT OR OFFICIAL WHO HAS PROCESSED OR
COMMENTED ON AN APPLICATION, FOR THE PURPOSE OF CLARIFYING, UPDATING, OR
COMPLETING THE RECORD. UNLESS OTHERWISE PROVIDED IN THE REFERRAL, THE
AGENCY OR DEPARTMENT SHALL RESPOND WITHIN 30 CALENDAR DAYS OR IT SHALL
BE PRESUMED TO HAVE NO COMMENT ON THE APPLICATION.

H. CORRESPONDENCE AND COMMUNICATIONS

ALL CORRESPONDENCE RECEIVED AND COPIES OF CORRESPONDENCE SENT BY
DEPARTMENTS OR OFFICIALS PROCESSING APPLICATIONS SHALL BE INCLUDED IN THE
RECORD. THE SUBSTANCE OF ANY RELEVANT ORAL COMMUNICATIONS HELD BY STAFF
WITH A PUBLIC AGENCY PROCESSING APPLICATIONS, REGARDING THE MERITS OF A
PENDING EVIDENTIARY CASE, SHALL BE REDUCED TO WRITING AND INCLUDED IN THE
RECORD OF THAT CASE.

I. PERSONS OF RECORD

THE ADVISORY PLANNING BOARD SHALL PREPARE A LIST OF PERSONS OF RECORD,
WHICH SHALL BE MADE A PART OF THE RECORD.

J. CONTINUED AND RECESSED CASES

1. THE ADVISORY PLANNING BOARD MAY CONTINUE OR RECESS A CASE.
2. A CASE MAY BE CONTINUED FOR GOOD CAUSE AFTER IT HAS BEEN ADVERTISED
FOR HEARING.

SMALL CAPS: Indicate language added to the City Code.

3. AFTER A HEARING HAS BEGUN, A CASE MAY BE RECESSED FOR THE RECEIPT OF ADDITIONAL EVIDENCE AND UPON SUCH CONDITIONS OR LIMITATIONS OR SUBJECT TO SUCH ADDITIONAL REQUIREMENTS OR HEARINGS AS DUE PROCESS MAY REQUIRE.
4. IF NO NEW HEARING DATE IS SET FOR A CONTINUED OR RECESSED CASE AT THE TIME OF CONTINUANCE OR RECESS, ALL PARTIES OF RECORD SHALL BE SENT WRITTEN NOTICE OF A NEW DATE AT LEAST TWENTY (20) DAYS PRIOR TO THE NEW HEARING DATE.
5. ANY PERSON OF RECORD MAY REQUEST THE CONTINUANCE OF A HEARING UNDER THIS SUBSECTION. FOR MINOR REVISIONS TO SPECIAL EXCEPTIONS ONLY, THE ADVISORY PLANNING BOARD MAY CONTINUE A HEARING IF A REQUIRED STAFF REPORT HAS NOT BEEN FILED WITHIN 30 DAYS OF THE SCHEDULED HEARING. IF A CONTINUANCE IS GRANTED FOR THIS REASON, THE ADVISORY PLANNING BOARD MAY NOT HEAR THE CASE FOR AT LEAST 30 DAYS AFTER THE STAFF REPORT IS FILED.

K. CASE TAKEN UNDER ADVISEMENT

ONCE A CASE HAS BEEN FULLY HEARD, THE ADVISORY PLANNING BOARD MAY TAKE IT UNDER ADVISEMENT TO RENDER A DECISION. THEREAFTER, NO NEW EVIDENCE MAY BE ENTERED INTO THE RECORD, EXCEPT:

- (1) IF GOOD CAUSE IS SHOWN WHY THE EVIDENCE WAS NOT PREVIOUSLY PRESENTED INTO THE RECORD; OR
- (2) THE EVIDENCE IS PRESENTED PURSUANT TO A REMAND OF THE CITY COUNCIL; AND
- (3) ALL PERSONS OF RECORD ARE AFFORDED THE OPPORTUNITY TO PRESENT EVIDENCE IN REBUTTAL.
- (4) NOTWITHSTANDING THE ABOVE SUBPARAGRAPHS (1) THROUGH (3), THE ADVISORY PLANNING BOARD MAY DENY ADMISSION OF ADDITIONAL EVIDENCE UPON A FINDING THAT ITS PROBATIVE VALUE IS OUTWEIGHED BY ANY CUMULATIVE EFFECT, UNDUE PREJUDICE, OR DELAY IN THE PROCEEDINGS.

L. RECONSIDERATION

- (1) THE ADVISORY PLANNING BOARD'S DECISION MAY BE RECONSIDERED ON REQUEST FILED BY EITHER THE APPLICANT OR OTHER PERSON OF RECORD WITHIN 30 DAYS AFTER THE DATE OF NOTICE OF THE FINAL DECISION. IF THE ADVISORY

SMALL CAPS: Indicate language added to the City Code.

PLANNING BOARD DOES NOT GRANT THE REQUEST FOR RECONSIDERATION WITHIN 30 DAYS FOLLOWING RECEIPT OF THE REQUEST, THE REQUEST IS DENIED.

- (2) THE ADVISORY PLANNING BOARD MAY ONLY RECONSIDER THE DECISION IF IT FINDS THAT AN ERROR IN REACHING THE ORIGINAL DECISION WAS CAUSED BY FRAUD, SURPRISE, MISTAKE, OR INADVERTENCE.
- (3) THE ADVISORY PLANNING BOARD'S RULES OF PROCEDURE SHALL GOVERN RECONSIDERATION OF ITS FINAL DECISIONS, BUT NO SUCH FINAL DECISION SHALL BE ELIGIBLE FOR RECONSIDERATION, BY WAIVER OF ITS RULES OR OTHERWISE, MORE THAN ONE YEAR FOLLOWING THE DATE OF THE PLANNING BOARD'S APPROVAL OF THE RESOLUTION MEMORIALIZING SUCH FINAL DECISION RECONSIDER THE DECISION IN ACCORDANCE WITH ITS RULES OF PROCEDURE.
- (4) THE PARTY FILING THE REQUEST FOR RECONSIDERATION OF THE DECISION SHALL, UPON FILING THE REQUEST, SEND A COPY TO ALL OTHER PERSONS OF RECORD AND THE APPLICANT (IF THE APPLICANT IS NOT A PERSON OF RECORD).
- (5) IF THE ADVISORY PLANNING BOARD DETERMINES THERE ARE GROUNDS TO RECONSIDER THEIR FINAL DECISION, IT SHALL SCHEDULE A HEARING ON THE REQUEST.
- (6) AFTER THE CLOSE OF THE HEARING RECORD, THE ADVISORY PLANNING BOARD SHALL FILE A NEW DECISION OR RECOMMENDATION.

SEC. 26-30. EVIDENTIARY HEARING (ZONING VARIANCE HEARING BOARD)

A. IN GENERAL

BEFORE MAKING ITS DECISION ON ANY VARIANCE APPEAL, THE ZONING VARIANCE HEARING BOARD SHALL HOLD AN EVIDENTIARY HEARING ON THE MATTER.

B. FILING REQUIREMENTS

1. APPEALS INVOLVING A VARIANCE SHALL BE FILED WITH THE PLANNING DIRECTOR ONLY AFTER THE DEPARTMENT OF PERMITTING, INSPECTIONS, AND ENFORCEMENT REFUSES TO ISSUE A BUILDING PERMIT. THE PLANNING DIRECTOR MAY WAIVE THIS REQUIREMENT AND ALLOW THE FILING OF THE APPEAL PRIOR TO ANY ACTION ON THE PERMIT.
2. APPEALS AND REQUESTS TO GRANT ADDITIONAL TIME TO CEASE A VIOLATION SHALL BE PROVIDED BY THE APPLICANT. ALL INFORMATION REQUIRED ON THE DOCUMENTS SHALL BE FURNISHED BY THE APPELLANT. THE DOCUMENTS SHALL BE FILED WITH THE PLANNING DIRECTOR. THE PLANNING DIRECTOR SHALL NOT ACCEPT ANY DOCUMENT OR FORM WHICH IS INCOMPLETE.

C. FEES

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1. AN APPLICATION FEE SHALL ALSO BE PAID TO THE PLANNING DIRECTOR IN ACCORDANCE WITH THE FEE SCHEDULE ESTABLISHED BY THE CITY COUNCIL. A SEPARATE FEE FOR THE COST OF PUBLIC NOTICE SIGNS SHALL BE PAID AS WELL. THE FEES ARE NONREFUNDABLE UNLESS (UPON REQUEST OF THE APPELLANT) THE ZONING VARIANCE HEARING BOARD FINDS THAT THE FEE WAS PAID BY MISTAKE. ALL FEES MUST BE PAID AT THE TIME OF FILING, EXCEPT AS PROVIDED.
2. IN LIEU OF THE FEE THE APPLICANT MAY SUBMIT AN AFFIDAVIT CLAIMING THAT PAYMENT OF THE FEE WOULD BE AN EXTREME FINANCIAL HARDSHIP. THE HARDSHIP MAY ONLY BE CLAIMED BY A NATURAL PERSON. THE AFFIDAVIT SHALL CONTAIN ANY PERTINENT FACTS WHICH THE APPELLANT FEELS ARE NECESSARY.
3. UPON FILING THE AFFIDAVIT, THE PLANNING DIRECTOR SHALL TRANSMIT IT TO THE ZONING VARIANCE HEARING BOARD WHO SHALL DETERMINE WHETHER PAYMENT OF THE FEE IS AN EXTREME FINANCIAL HARDSHIP ON THE APPELLANT. SHOULD THE ZONING VARIANCE HEARING BOARD FIND THAT HARDSHIP DOES NOT EXIST, THE APPELLANT SHALL BE REQUIRED TO PAY THE FEES BEFORE THE VARIANCE APPEAL MAY BE HEARD BY THE ZONING VARIANCE HEARING BOARD.

D. NOTICE OF HEARING

1. AT LEAST FIFTEEN (15) DAYS' NOTICE OF THE DATE, TIME AND PLACE OF THE HEARING SHALL BE SENT BY CERTIFIED MAIL TO THE APPELLANT, TO THE AGENCY WHOSE DECISION IS THE SUBJECT OF THE APPEAL, AND TO THE OWNERS OF ABUTTING PROPERTY (INCLUDING THOSE PROPERTIES DIRECTLY ACROSS A STREET, ALLEY, OR STREAM).
2. THE ZONING VARIANCE HEARING BOARD MAY SEND NOTICE OF THE HEARING TO OTHER INTERESTED PERSONS, ORGANIZATIONS, OR AGENCIES.
3. ALL NOTICES SHALL CONTAIN:
 - (A) THE NAME OF THE APPLICANT;
 - (B) THE DATE, TIME, AND PLACE OF THE HEARING; AND
 - (C) A BRIEF STATEMENT DESCRIBING THE SPECIFIC NATURE OF THE APPEAL.
4. ALL VARIANCES MUST BE POSTED. THE PLANNING DIRECTOR SHALL POST THE PROPERTY WITH A DURABLE SIGN AT LEAST FIFTEEN (15) DAYS PRIOR TO THE SCHEDULED HEARING DATE. THE SIGN SHALL BE POSTED IN ACCORDANCE WITH THIS SECTION.
5. ALL SIGNS POSTED SHALL BE CONSPICUOUS AND LEGIBLE FOR AT LEAST FIFTEEN (15) DAYS PRIOR TO THE HEARING.
6. THE PLANNING DIRECTOR SHALL FILE AN AFFIDAVIT WITH THE ZONING VARIANCE HEARING BOARD STATING THAT THE REQUIRED SIGN(S) WAS POSTED ON THE PROPERTY IN ACCORDANCE WITH THE PROCEDURES OF THIS SUBSECTION. THE

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APPELLANT SHALL PROVIDE AN AFFIDAVIT CERTIFYING THAT THE SIGN POSTED BY THE PLANNING DIRECTOR REMAINED ON THE PROPERTY FOR THE FIFTEEN (15) CONSECUTIVE DAYS PRECEDING THE HEARING.

E. RULES OF PROCEDURE FOR HEARINGS AND OTHER MEETINGS

1. THE ZONING VARIANCE HEARING BOARD MAY ADOPT RULES OF PROCEDURE CONSISTENT WITH THE PROVISIONS OF THIS SUBTITLE.
2. THE ZONING VARIANCE HEARING BOARD SHALL KEEP MINUTES OF ITS PROCEEDINGS.
3. HEARINGS MAY BE ADJOURNED AND CONTINUED. IF THE DATE, TIME, AND PLACE OF THE CONTINUED HEARING IS PUBLICLY ANNOUNCED AT THE TIME OF THE ADJOURNMENT, NO FURTHER NOTICE OF THE CONTINUATION SHALL BE REQUIRED. IF THE DATE, TIME, AND PLACE IS NOT PUBLICLY ANNOUNCED AT THE TIME OF THE ADJOURNMENT, NOTICE SHALL BE GIVEN IN THE SAME MANNER AS WITH THE ORIGINAL HEARING.
4. ALL ACTIONS OF THE ZONING VARIANCE HEARING BOARD SHALL BE TAKEN BY RESOLUTION. EACH RESOLUTION SHALL CONTAIN A STATEMENT OF THE GROUNDS AND FINDINGS FORMING THE BASIS OF THE ACTION. THE TEXT OF THE RESOLUTION AND RECORD OF MEMBERS' VOTES SHALL BE INCORPORATED INTO THE MINUTES OR OTHER RECORDS OF THE CITY.

F. REQUEST FOR CONTINUANCE OF A VARIANCE

REQUEST MUST BE SUBMITTED IN WRITING TO THE PLANNING DIRECTOR NO LATER THAN 3:00 P.M. PRIOR TO THE SCHEDULED HEARING. APPELLANT MAY INCUR RE-ADVERTISEMENT FEES IF A NEW HEARING DATE IS NOT CONFIRMED AT THE TIME OF THE REQUEST.

SEC. 26-31. CONDITIONS OF APPROVAL

(A) GENERALLY

IF EXPLICITLY PERMITTED FOR THE PARTICULAR TYPE OF APPLICATION IN DIVISION 3 OF THIS ARTICLE, APPROVAL OF AN APPLICATION MAY BE SUBJECT TO CONDITIONS OF APPROVAL.

(B) LIMITATIONS ON CONDITIONS

ANY CONDITIONS OF APPROVAL SHALL BE EXPRESSLY SET FORTH IN THE APPROVAL, SHALL BE LIMITED TO CONDITIONS DEEMED NECESSARY TO ENSURE COMPLIANCE WITH THE REQUIREMENTS AND PARTICULAR STANDARDS OF THIS ORDINANCE, AND SHALL RELATE IN BOTH TYPE AND SCOPE TO THE ANTICIPATED IMPACTS OF THE PROPOSED DEVELOPMENT. WHEN A SPECIAL EXCEPTION IS APPROVED, ANY REQUIREMENTS FOR CONDITIONS DEEMED NECESSARY TO

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PROTECT ADJACENT PROPERTIES AND THE GENERAL NEIGHBORHOOD MAY BE ADDED.
REQUIREMENTS

- (1) CONDITIONS BECOME A PERMANENT PART OF THE DEVELOPMENT APPROVAL AND ARE BINDING AS LONG AS THE DEVELOPMENT APPROVAL REMAINS VALID.
- (2) A CONDITION OF APPROVAL IMPOSED IS MANDATORY. FAILURE TO COMPLY WITH ANY CONDITION OF APPROVAL CONSTITUTES A VIOLATION OF THE CITY CODE, AND IS GROUNDS FOR THE CITY TO:
 - (A) ANNUL THE DEVELOPMENT APPROVAL;
 - (B) REVOKE A CITY PERMIT;
 - (C) INSTITUTE APPROPRIATE CIVIL OR CRIMINAL PROCEEDINGS IN ACCORDANCE WITH THE CITY CODE; OR
 - (D) INSTITUTE ANY OTHER ACTION NECESSARY TO OBTAIN COMPLIANCE.

SEC. 26-32. NOTIFICATION

UNLESS OTHERWISE PROVIDED IN ARTICLE II, DIVISION 3 OF THIS CHAPTER, WITHIN THIRTY (30) DAYS AFTER A FINAL DECISION, THE PLANNING DIRECTOR SHALL NOTIFY THE APPLICANT AND ALL PERSONS OF RECORD OF THE DECISION, IN WRITING, BY FIRST-CLASS MAIL, POSTAGE PREPAID. THE DATE OF THE NOTICE SHALL BE STATED IN THE MAILING. THE PLANNING DIRECTOR SHALL MAKE A COPY OF THE DECISION AVAILABLE TO ALL PERSONS OF RECORD AND ALL OWNERS OF LAND ADJACENT TO, ACROSS THE STREET FROM, ON THE SAME BLOCK AS, AND WITHIN 500 FEET OF THE LAND SUBJECT TO THE APPLICATION, AND MAKE A COPY OF THE DECISION AVAILABLE TO THE PUBLIC ON THE CITY WEBSITE AND IN THE DEPARTMENT OF PLANNING AND SUSTAINABILITY OFFICE DURING NORMAL BUSINESS HOURS.

SEC. 26-33. POST-DECISION ACTIONS

(A) EFFECT OF APPROVAL

- (1) APPROVAL OF A DEVELOPMENT APPLICATION IN ACCORDANCE WITH THIS ARTICLE AUTHORIZES ONLY THE PARTICULAR USE, PLAN, OR OTHER SPECIFIC ACTIVITY APPROVED, AND NOT ANY OTHER DEVELOPMENT REQUIRING SEPARATE APPLICATION AND APPROVAL.
- (2) APPROVAL OF A DEVELOPMENT APPLICATION IN ACCORDANCE WITH THIS ARTICLE INVALIDATES ANY PREVIOUSLY APPROVED DEVELOPMENT APPLICATION OF

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THE SAME TYPE FOR THE SAME PROPERTY THAT WOULD OTHERWISE ALLOW A DEVELOPMENT ALTERNATIVE FOR THE SAME PROPERTY.

(3) IN THE EVENT THAT ONE DEVELOPMENT APPROVAL OR PERMIT IS A PREREQUISITE TO ANOTHER DEVELOPMENT APPROVAL OR PERMIT (E.G., VARIANCE APPROVAL PRIOR TO A DETAILED SITE PLAN APPROVAL), DEVELOPMENT MAY NOT TAKE PLACE UNTIL ALL REQUIRED APPROVALS OR PERMITS ARE OBTAINED. APPROVAL OF ONE DEVELOPMENT APPLICATION DOES NOT NECESSARILY GUARANTEE APPROVAL OF ANY SUBSEQUENT DEVELOPMENT APPLICATION.

(B) AMENDMENT

UNLESS OTHERWISE PROVIDED IN THIS ARTICLE, AN AMENDMENT OF A DEVELOPMENT APPROVAL OR PERMIT MAY ONLY BE REVIEWED IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS ESTABLISHED FOR ITS ORIGINAL APPROVAL.

(C) LAPSE OF APPROVAL

(1) GENERALLY

DEVELOPMENT APPROVALS AND PERMITS EXPIRE AS PROVIDED IN ARTICLE II, DIVISION 3, APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS, FOR EACH TYPE OF DEVELOPMENT APPROVAL OR PERMIT. IF NO EXPIRATION PERIOD IS PROVIDED FOR THE SPECIFIC TYPE OF DEVELOPMENT APPROVAL OR PERMIT, AND IF NO EXPIRATION PERIOD IS IMPOSED AS PART OF THE APPROVAL BY THE DECISION-MAKING BODY OR OFFICIAL, THE DEVELOPMENT APPROVAL OR PERMIT EXPIRES IF A USE AND OCCUPANCY PERMIT AUTHORIZING THE APPROVED DEVELOPMENT IS NOT OBTAINED WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF APPROVAL.

(2) CHANGE IN OWNERSHIP DOES NOT AFFECT RIGHTS

A CHANGE IN OWNERSHIP OF THE LAND THAT IS THE SUBJECT OF A DEVELOPMENT APPROVAL OR PERMIT DOES NOT AFFECT THE ESTABLISHED EXPIRATION TIME PERIOD FOR THE DEVELOPMENT APPROVAL OR PERMIT.

(3) EXTENSION

UNLESS OTHERWISE PROHIBITED BY THIS ARTICLE, A ONE-YEAR EXTENSION OF THE EXPIRATION TIME PERIOD FOR A SPECIFIC DEVELOPMENT APPROVAL OR PERMIT MAY BE GRANTED BY THE DECISION-MAKING BODY OR PERSON THAT GRANTED THE DEVELOPMENT APPROVAL OR PERMIT UPON

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THE APPLICANT'S SUBMISSION OF A WRITTEN REQUEST FOR EXTENSION TO THE DECISION-MAKING BODY BEFORE THE EXPIRATION DATE, AND A SHOWING OF GOOD CAUSE.

(D) RESUBMITTING APPLICATION

(1) GENERALLY

(A) UNLESS OTHERWISE PROVIDED IN THIS ARTICLE, NO NEW APPLICATION FOR THE SAME DEVELOPMENT FOR WHICH AN APPLICATION WAS DENIED MAY BE FILED ON THE SAME LAND UNTIL TWO YEARS HAVE ELAPSED AFTER FINAL ACTION (INCLUDING APPELLATE REVIEW).

(B) THE OWNER OF LAND THAT IS THE SUBJECT OF A DEVELOPMENT APPLICATION THAT WAS DENIED, OR THE OWNER'S AUTHORIZED AGENT, MAY SUBMIT A WRITTEN REQUEST FOR WAIVER OF THE TIME LIMIT ESTABLISHED IN ABOVE, ALONG WITH A FEE TO DEFRAY THE COST OF PROCESSING THE REQUEST, TO THE PLANNING DIRECTOR, WHO SHALL TRANSMIT THE REQUEST TO THE DECISION-MAKING BODY. THE DECISION-MAKING BODY MAY GRANT A WAIVER OF THE TIME LIMIT ONLY ON A FINDING BY AT LEAST TWO-THIRDS OF ITS MEMBERSHIP OF ONE OR MORE OF THE FOLLOWING:

- (I) THERE IS A SUBSTANTIAL CHANGE IN CIRCUMSTANCES RELEVANT TO THE ISSUES OR FACTS CONSIDERED DURING REVIEW OF THE APPLICATION THAT MIGHT REASONABLY AFFECT THE APPLICATION OF THE RELEVANT REVIEW STANDARDS TO THE DEVELOPMENT PROPOSED IN THE APPLICATION;
- (II) NEW OR ADDITIONAL INFORMATION IS AVAILABLE THAT WAS NOT AVAILABLE AT THE TIME OF REVIEW THAT MIGHT REASONABLY AFFECT THE APPLICATION OF THE RELEVANT REVIEW STANDARDS TO THE DEVELOPMENT PROPOSED IN THE APPLICATION;
- (III) THE NEW APPLICATION PROPOSED TO BE SUBMITTED IS NOT SUBSTANTIALLY THE SAME AS THE PRIOR APPLICATION; OR
- (IV) THE FINAL DECISION ON THE APPLICATION WAS BASED ON A MATERIAL MISTAKE OF FACT.

SEC. 26-34. EXCEPTIONS TO THE ADVISORY PLANNING BOARD'S OR ZONING VARIANCE REVIEW BOARD'S RECOMMENDATION.

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A. ANY PERSON OF RECORD MAY FILE WITH THE CITY COUNCIL, WITHIN FIFTEEN (15) CALENDAR DAYS AFTER WRITTEN NOTICE OF THE ZONING HEARING REVIEW BOARD'S RECOMMENDATION REGARDING A VARIANCE, OR THIRTY (30) DAYS AFTER RECEIPT OF A RECOMMENDATION OF THE ADVISORY PLANNING BOARD REGARDING ALL OTHER MATTERS, EXCEPTIONS TO THE BOARD'S RECOMMENDATION, AND A REQUEST FOR ORAL ARGUMENT BEFORE THE CITY COUNCIL.

B. THE CITY CLERK SHALL NOTIFY THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD OF ANY EXCEPTIONS AND/OR REQUESTS FOR ORAL ARGUMENT, AND WITHIN SEVEN (7) DAYS OF RECEIVING SAID NOTICE THE BOARD SHALL TRANSMIT TO THE CITY COUNCIL A COPY OF THE RECORD CREATED BY THE BOARD, INCLUDING BUT NOT LIMITED TO, ALL WRITTEN EVIDENCE AND MATERIALS SUBMITTED FOR CONSIDERATION BY THE BOARD. A TRANSCRIPT OF THE PUBLIC HEARING ON THE APPLICATION SHALL BE PREPARED AND TRANSMITTED IMMEDIATELY WHEN AVAILABLE.

C. THE CITY COUNCIL SHALL SCHEDULE ORAL ARGUMENT ON THE APPEAL. THE CITY CLERK SHALL GIVE AT LEAST SEVEN (7) CALENDAR DAYS' NOTICE OF THE HEARING TO ALL PERSONS OF RECORD AND THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD. ORAL ARGUMENT SHALL BE LIMITED TO THE FACTS AND INFORMATION WITHIN THE RECORD MADE BY THE HEARING BEFORE THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD.

D. AFTER THE CLOSE OF THE COUNCIL'S HEARING, THE MEMBERS OF THE CITY COUNCIL PRESENT AND VOTING SHALL ACCEPT, REJECT, OR MODIFY THE RECOMMENDATION OF THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD, OR RETURN THE APPLICATION TO THE BOARD TO TAKE FURTHER TESTIMONY OR RECONSIDER ITS RECOMMENDATION.

SEC. 26-35. FINAL DECISION OF THE CITY COUNCIL.

A. NOT LESS THAN FIFTEEN (15) DAYS AFTER RECEIPT OF A RECOMMENDATION OF THE ZONING VARIANCE HEARING BOARD REGARDING A VARIANCE OR WITHIN THIRTY (30) DAYS AFTER RECEIPT OF A RECOMMENDATION REGARDING ANY OTHER REQUEST UNDER THIS ARTICLE, A MAJORITY OF THE CITY COUNCIL MAY ADOPT THE RECOMMENDATION OF THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD BY CONSENT, UNLESS WITHIN THAT FIFTEEN (15) DAY PERIOD, A COUNCILMEMBER EITHER FILES WITH THE CITY CLERK A WRITTEN REQUEST FOR ORAL ARGUMENT ON THE MATTER OR MAKES A VERBAL REQUEST FOR SAME AT A CITY COUNCIL MEETING, OR EXCEPTIONS AND A REQUEST FOR ORAL

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ARGUMENT ARE FILED. ORAL ARGUMENT MAY ONLY BE REQUESTED BY A COUNCILMEMBER WHEN AN ACTION OF THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD IS NOT UNANIMOUS OR WHEN IT IS ALLEGED THAT THE RECOMMENDATION FAILS TO COMPLY WITH THE CRITERIA ESTABLISHED HEREIN.

B. THE COUNCIL SHALL GIVE ITS DECISION IN WRITING, STATING THE REASONS FOR ITS ACTION. THE COUNCIL SHALL MAKE THE SAME FINDINGS THAT ARE REQUIRED TO BE MADE BY THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD FOR EACH APPLICATION IT CONSIDERS. COPIES OF THE DECISION SHALL BE SENT TO ALL PERSONS OF RECORD, THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION AND THE DISTRICT COUNCIL.

SEC. 26-36. APPEALS.

A. ANY PERSON AGGRIEVED BY A DECISION OF THE CITY COUNCIL REGARDING VARIANCES, DEPARTURES, ALTERNATIVE COMPLIANCE OR MINOR REVISIONS TO SPECIAL EXCEPTIONS WHO WAS A PARTY TO THE PROCEEDING BEFORE IT MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND WHICH SHALL HAVE THE POWER TO AFFIRM THE DECISION OF THE CITY COUNCIL, OR, IF THE DECISION IS NOT IN ACCORDANCE WITH THE LAW, TO REMAND THE MATTER OR TO MODIFY OR REVERSE THE DECISION.

B. ANY PERSON AGGRIEVED BY A DECISION OF THE CITY COUNCIL REGARDING CERTIFICATION, REVOCATION OR REVISION OF A NONCONFORMING USE WHO WAS A PERSON OF RECORD IN THE PROCEEDING BEFORE IT MAY APPEAL THE DECISION TO THE DISTRICT COUNCIL FOR REVIEW ON THE RECORD. ON REVIEW, THE DISTRICT COUNCIL MAY:

(1) BY MAJORITY VOTE OF ITS MEMBERS, APPROVE THE ACTION OF THE CITY; OR (2) BY A VOTE OF AT LEAST SIX OF ITS MEMBERS, APPROVE WITH CONDITIONS OR OVERRULE THE ACTION OF THE CITY.

C. ANY PERSON AGGRIEVED BY A DECISION OF THE DISTRICT COUNCIL WHO WAS A PERSON OF RECORD IN THE PROCEEDING BEFORE IT MAY APPEAL THE DECISION OF THE DISTRICT COUNCIL TO THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND. FOR PURPOSES OF AN APPEAL TO THE CIRCUIT COURT, THE CITY SHALL BE CONSIDERED AN AGGRIEVED PERSON.

DIVISION 3. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

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SEC. 26-37. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

THIS DIVISION 3 ESTABLISHES, FOR EACH TYPE OF APPLICATION REVIEWED FOR A DEVELOPMENT APPROVAL UNDER ARTICLE II OF THIS CHAPTER, THE SPECIFIC REVIEW PROCEDURE AND DECISION STANDARDS THAT APPLY. THE FOLLOWING SECTIONS IDENTIFY, FOR EACH TYPE OF DEVELOPMENT APPLICATION:

- (1) A GENERAL OVERVIEW OF THE TYPE OF DEVELOPMENT APPROVAL;
- (2) IN WHAT SITUATIONS APPLICATION APPROVAL IS NECESSARY;
- (3) THE STANDARD PROCEDURES THAT ARE REQUIRED, AND ANY APPLICABLE MODIFICATIONS OF OR ADDITIONS TO THE STANDARD PROCEDURES; AND
- (4) THE STANDARDS FOR MAKING A DECISION ON THE APPLICATION.

SUBDIVISION 1. DEPARTURES (MINOR AND MAJOR).

SEC. 26-38. DEPARTURE (MINOR AND MAJOR)

A. GENERAL

THIS SECTION PROVIDES A UNIFORM MECHANISM TO ALLOW DEPARTURES FROM CERTAIN DIMENSIONAL OR DEVELOPMENT STANDARDS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE IN SPECIFIC CIRCUMSTANCES, IN ORDER TO BETTER ACCOMPLISH THE PURPOSES OF THE ZONING ORDINANCE.

B. APPLICABILITY

THIS SECTION ESTABLISHES TWO TYPES OF DEPARTURES: MINOR DEPARTURES AND MAJOR DEPARTURES. IT ALSO ADDRESSES MINOR ADMINISTRATIVE CHANGES, WAIVERS, OR MODIFICATIONS TO SPECIFIC DEVELOPMENT STANDARDS CONTAINED IN PART 27-6 DEVELOPMENT STANDARDS.

(1) MINOR DEPARTURES

MINOR DEPARTURES ARE DECIDED BY THE PLANNING DIRECTOR. MINOR DEPARTURES MAY BE REQUESTED AND GRANTED FOR THE STANDARDS IDENTIFIED IN TABLE 26-38(B)(1) MINOR DEPARTURES, WHICH IS INCORPORATED HEREINBELOW, UP TO THE LIMITS SET FORTH IN THE TABLE. A VARIANCE (SEE SECTION 26-42 VARIANCE) MAY NOT BE REQUESTED FOR A MINOR CHANGE FOR

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WHICH A MINOR DEPARTURE MAY BE REQUESTED IN ACCORDANCE WITH THIS SECTION.

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TABLE 26-38(B)(1): MINOR DEPARTURES		
STANDARD	MAXIMUM DEPARTURE (PERCENTAGE DEPARTURE FROM STANDARD)	
	TRANSIT- ORIENTED/ACTIVITY CENTER BASE AND PLANNED DEVELOPMENT ZONES AND BASE AND PLANNED DEVELOPMENT ZONES INSIDE THE CAPITAL BELTWAY	ALL OTHER ZONES
BLOCK DESIGN STANDARDS IN SECTION 27-6206(K), BLOCK DESIGN	40	30
VEHICLE STACKING SPACES STANDARDS IN TABLE 27-6206(M)(1)(A): MINIMUM STACKING SPACES FOR DRIVE-THROUGH FACILITIES AND RELATED USES, IN SECTION 27-6206(M), VEHICLE STACKING SPACE	40	30
NUMERICAL STANDARDS IN SECTION 27-6304(I), LARGE VEHICULAR USE AREAS (300 OR MORE SPACES)	20	30
OFF-STREET PARKING STANDARDS IN SECTION 27-6305(A): MINIMUM NUMBER OF OFF-STREET PARKING SPACES, IN SECTION 27-6305, OFF-STREET PARKING SPACE STANDARDS	30	20
NUMERICAL STANDARDS IN SECTION 27-6306, DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES, IN SECTION 27-6306, DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES	30 (1)	20 (1)
NUMERICAL STANDARDS IN SECTION 27-6310, LOADING AREA STANDARDS	30	20
LOCATION OF OFF-STREET PARKING IN SECTION 27-6903(B), LOCATION OF OFF-STREET PARKING, IN THE MULTIFAMILY, TOWNHOUSE, AND THREE-FAMILY FORM AND DESIGN STANDARDS	20	30
NUMERIC BUILDING LENGTH STANDARDS IN 27-6903(D), MAXIMUM BUILDING LENGTH, IN THE	20	30

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MULTIFAMILY, TOWNHOUSE, AND THREE-FAMILY FORM AND DESIGN STANDARDS		
NUMERIC BUILDING FAÇADE STANDARDS IN SECTION 27-6903(E), BUILDING FAÇADES, IN THE MULTIFAMILY, TOWNHOUSE, AND THREE-FAMILY FORM AND DESIGN STANDARDS	20	30
NUMERICAL BUILDING FAÇADE/TRANSPARENCY STANDARDS IN SECTION 27-6903(G), BUILDING FAÇADE FENESTRATION/TRANSPARENCY, IN THE MULTIFAMILY, TOWNHOUSE, AND THREE-FAMILY FORM AND DESIGN STANDARDS	20	30
NUMERICAL OFFSETS IN SECTION 27-61002(E), FAÇADE ARTICULATION, IN THE NONRESIDENTIAL AND MIXED-USE FORM AND DESIGN STANDARDS	20	30
NUMERICAL BUILDING FAÇADE FENESTRATION/TRANSPARENCY STANDARDS IN SECTION 27-61002(G), BUILDING FAÇADE BUILDING FAÇADE FENESTRATION/TRANSPARENCY, IN THE NONRESIDENTIAL AND MIXED-USE FORM AND DESIGN STANDARDS	20	30
LOCATION OF OFF-STREET PARKING IN SECTION 27-61003(E), OFF-STREET PARKING LOCATION STANDARDS, IN THE LARGE RETAIL FORM AND DESIGN STANDARDS	30	20
NUMERICAL BUFFER WIDTH STANDARDS IN SECTION 27-61303(A)(2), BUFFER WIDTH, IN THE AGRICULTURAL COMPATIBILITY STANDARDS	NO DEPARTURE	30
NUMERICAL STANDARDS IN SECTION 27-61504, GENERAL STANDARDS, IN THE SIGNAGE STANDARDS	20	30
NUMERICAL STANDARDS IN SECTION 27-61505, STANDARDS FOR SPECIFIC SIGN TYPES, IN THE SIGNAGE STANDARDS	20	30
NUMERICAL STANDARDS IN SECTION 27-61506, STANDARDS FOR SPECIAL PURPOSE SIGNS, IN THE SIGNAGE STANDARDS	20	30
NUMERICAL STANDARDS IN SECTION 27-61507, STANDARDS FOR TEMPORARY SIGNS, IN THE SIGNAGE STANDARDS	20	30

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WHERE NOT OTHERWISE SPECIFIED, ANY DEPARTURE NECESSARY TO ENSURE NEIGHBORHOOD COMPATIBILITY STANDARDS CONTROL IN THE EVENT OF CONFLICT WITH OTHER STANDARDS OF THIS ORDINANCE PER SECTION 27-61202(C), CONFLICT, IN THE NEIGHBORHOOD COMPATIBILITY STANDARDS	30	30
NOTES: (1) MINIMUM DIMENSIONAL STANDARDS FOR PARKING SPACES SHALL NOT BE REDUCED BELOW THE REQUIREMENTS ESTABLISHED FOR COMPACT PARKING SPACES.		

(2) MAJOR DEPARTURES

MAJOR DEPARTURES ARE DECIDED BY THE ADVISORY PLANNING BOARD. MAJOR DEPARTURES MAY BE REQUESTED FOR THE STANDARDS IDENTIFIED IN TABLE 26-38(B)(2): MAJOR DEPARTURES, WHICH IS INCORPORATED HEREINBELOW, UP TO THE LIMITS SET FORTH IN THE TABLE. A VARIANCE (SEE SECTION 26-42, VARIANCE) MAY NOT BE REQUESTED FOR A DEVIATION FOR WHICH A MAJOR DEPARTURE MAY BE REQUESTED IN ACCORDANCE WITH THIS SUBSECTION.

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TABLE 26-38(B)(2): MAJOR DEPARTURES		
STANDARD	MAXIMUM DEPARTURE (PERCENTAGE FROM STANDARD)	
	TRANSIT-ORIENTED/ACTIVITY CENTER BASE AND PLANNED DEVELOPMENT ZONES AND ALL OTHER BASE ZONES INSIDE THE INTERSTATE CAPITAL BELTWAY	ALL OTHER BASE ZONES
VEHICLE STACKING SPACES IN TABLE 27-6206(M)(1)(A): MINIMUM STACKING SPACES FOR DRIVE-THROUGH FACILITIES AND RELATED USES, IN SECTION 27-6206(M), VEHICLE STACKING SPACE	70	50
OFF-STREET PARKING STANDARDS IN SECTION 27-6305(A): MINIMUM NUMBER OF OFF-STREET PARKING SPACES, IN SECTION 27-6305, OFF-STREET PARKING SPACE STANDARDS	70	50
NUMERICAL STANDARDS IN SECTION 27-6310, LOADING AREA STANDARDS	70	50
LOCATION OF OFF-STREET PARKING IN SECTION 27-6903(B), LOCATION OF OFF-STREET PARKING, IN THE MULTIFAMILY, TOWNHOUSE, AND THREE-FAMILY FORM AND DESIGN STANDARDS	NO DEPARTURE	50
NUMERIC BUILDING LENGTH STANDARDS IN SECTION 27-6903(D), MAXIMUM BUILDING LENGTH, IN THE MULTIFAMILY, TOWNHOUSE, AND THREE-FAMILY FORM AND DESIGN STANDARDS	NO DEPARTURE	40
NUMERICAL BUILDING FAÇADE STANDARDS IN SECTION 27-6903(E), BUILDING FAÇADES, IN THE MULTIFAMILY, TOWNHOUSE, AND THREE -FORM AND DESIGN STANDARDS	NO DEPARTURE	50
NUMERICAL OFFSETS IN SECTION 27-61002(E), FAÇADE ARTICULATION, IN THE NONRESIDENTIAL AND MIXED -FORM AND DESIGN STANDARDS	NO DEPARTURE	50

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TABLE 26-38(B)(2): MAJOR DEPARTURES		
STANDARD	MAXIMUM DEPARTURE (PERCENTAGE FROM STANDARD)	
	TRANSIT-ORIENTED/ACTIVITY CENTER BASE AND PLANNED DEVELOPMENT ZONES AND ALL OTHER BASE ZONES INSIDE THE INTERSTATE CAPITAL BELTWAY	ALL OTHER BASE ZONES
LOCATION OF OFF-STREET PARKING IN SECTION 27-61003(E), OFF-STREET PARKING LOCATION STANDARDS, IN THE LARGE RETAIL FORM AND DESIGN STANDARDS	NO DEPARTURE	40
NUMERICAL BUFFER WIDTH STANDARDS IN SECTION 27-61303(A)(2), BUFFER WIDTH, IN THE AGRICULTURAL COMPATIBILITY STANDARDS	NO DEPARTURE	50
RELIEF FROM THE STANDARDS OF THE LANDSCAPE MANUAL WHERE COMPLIANCE IS NOT POSSIBLE AND THERE IS NO FEASIBLE PROPOSAL FOR ALTERNATIVE COMPLIANCE THAT CAN BE APPROVED	100	100
ALL STANDARDS IN SECTION 27-4204(B), STANDARDS APPLICABLE TO ALL TRANSIT-ORIENTED/ACTIVITY CENTER BASE ZONES	100	NOT APPLICABLE
STANDARDS OR GUIDELINES SPECIFIED IN ANY MIXED-USE TOWN CENTER DEVELOPMENT PLAN (LMUTC ZONE ONLY)	NOT APPLICABLE	100
WHERE NOT OTHERWISE SPECIFIED, ANY DEPARTURE NECESSARY TO ENSURE NEIGHBORHOOD COMPATIBILITY STANDARDS CONTROL IN THE EVENT OF CONFLICT WITH OTHER STANDARDS OF THIS ORDINANCE PER SECTION 27-61202(C), CONFLICT, IN THE NEIGHBORHOOD COMPATIBILITY STANDARDS	100	100

(C) DEPARTURE (MINOR AND MAJOR) SUBMITTAL REQUIREMENTS

SMALL CAPS: Indicate language added to the City Code.

- (1) AN APPLICATION FORM FILED WITH THE PLANNING BOARD. THE ADVISORY PLANNING BOARD SHALL DETERMINE THE CONTENTS OF THE APPLICATION AND SHALL PROVIDE THE APPLICATION FORM.
- (2) A SITE PLAN, AND OTHER GRAPHIC ILLUSTRATIONS WHICH ARE CONSIDERED NECESSARY TO INDICATE WHAT IS BEING PROPOSED;
- (3) A JUSTIFICATION STATEMENT TELLING WHY AND HOW THE PROPOSED DESIGN SERVICES THE PURPOSES OF THE PRINCE GEORGE’S COUNTY ZONING ORDINANCE BETTER THAN THE PRESCRIBED DESIGN STANDARDS; AND

(D) MINOR DEPARTURE PROCEDURE

THIS SUBSECTION IDENTIFIES ADDITIONS OR MODIFICATIONS TO THE STANDARD REVIEW PROCEDURES THAT APPLY TO APPLICATIONS FOR A MINOR DEPARTURE. FIGURE 26-38(D), WHICH IS SET FORTH BELOW, IDENTIFIES KEY STEPS IN THE MINOR DEPARTURE PROCEDURE

**FIGURE 26-38(D): MINOR DEPARTURE
PROCEDURE (ILLUSTRATIVE)**

26-20	PRE-APPLICATION CONFERENCE	OPTIONAL
26-21	PRE-APPLICATION NEIGHBORHOOD MEETING	OPTIONAL
26-22	APPLICATION SUBMITTAL	TO PLANNING DIRECTOR
26-23	DETERMINATION OF COMPLETENESS	PLANNING DIRECTOR MAKES DETERMINATION
26-25	STAFF REVIEW AND ACTION	PLANNING DIRECTOR MAKES DECISION (CONDITIONS ALLOWED)
26-32	NOTIFICATION	PLANNING DIRECTOR NOTIFIES
26-38 (D)(8)	APPEAL	OPTIONAL (TO PLANNING BOARD)

SMALL CAPS: Indicate language added to the City Code.

(1) A PRE-APPLICATION CONFERENCE AND NEIGHBORHOOD MEETING

A PRE-APPLICATION AND NEIGHBORHOOD MEETING ARE OPTIONAL.

(2) APPLICATION SUBMITTAL

AT THE DISCRETION OF THE PLANNING DIRECTOR, DEVELOPMENT APPLICATIONS FOR MINOR DEPARTURES MAY BE PROCESSED AND REVIEWED CONCURRENTLY WITH PARENT DEVELOPMENT APPLICATIONS REQUIRED BY THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE FOR DEVELOPMENT OF A PROJECT (E.G., SPECIAL EXCEPTION OR DETAILED SITE PLAN).

(A) A DEPARTURE MAY BE REQUESTED IN CONJUNCTION WITH OTHER APPLICATION(S).

(B) IF A DEPARTURE APPLICATION IS SUBMITTED IN CONJUNCTION WITH ANOTHER APPLICATION, IT SHALL BE REVIEWED AND DECIDED PRIOR TO THE OTHER APPLICATION(S). FOR EXAMPLE, IF A DEPARTURE APPLICATION IS SUBMITTED IN CONJUNCTION WITH A DETAILED SITE PLAN APPLICATION (BECAUSE THE DEPARTURE IS NEEDED TO ACHIEVE THE PLAN FOR DEVELOPMENT IN THE DETAILED SITE PLAN), THE DEPARTURE APPLICATION SHALL BE REVIEWED AND DECIDED UPON PRIOR TO A DECISION ON THE DETAILED SITE PLAN APPLICATION, ALTHOUGH APPROVAL OF BOTH COULD OCCUR ON THE SAME DAY.

(3) DETERMINATION OF COMPLETENESS

SECTION 26-23, DETERMINATION OF COMPLETENESS SHALL GOVERN.

(4) STAFF REVIEW AND ACTION

SECTION 26-25, STAFF REVIEW AND ACTION SHALL GOVERN. THE PLANNING DIRECTOR SHALL REVIEW THE APPLICATION AND MAKE A DECISION IN ACCORDANCE WITH SECTION 26-38(F), DEPARTURE (MINOR AND MAJOR) DECISION STANDARDS. THE DECISION SHALL SET FORTH THE PLANNING DIRECTOR'S FINDINGS OF FACT AND CONCLUSIONS TO SUPPORT THE DECISION. THE DECISION SHALL BE TO:

(A) APPROVE THE MINOR DEPARTURE;

(B) APPROVE THE MINOR DEPARTURE, SUBJECT TO CONDITIONS; OR

(C) DISAPPROVE THE MINOR DEPARTURE.

(5) SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE

SMALL CAPS: Indicate language added to the City Code.

THE APPLICANT SHALL ENSURE NOTICE IS POSTED ON THE SITE SUBJECT TO THE APPLICATION AT LEAST 15 DAYS PRIOR TO THE PLANNING DIRECTOR'S DECISION, IN ACCORDANCE WITH THE POSTED NOTICE REQUIREMENTS.

(6) CONDITIONS OF APPROVAL

SECTION 26-31, CONDITIONS OF APPROVAL SHALL GOVERN.

(7) NOTIFICATION

SECTION 26-32, NOTIFICATION, SHALL GOVERN.

(8) APPEAL

(A) THE ONLY RELIEF AVAILABLE TO THE APPLICANT IS AN APPEAL OF THE PLANNING DIRECTOR'S DECISION ON A MINOR DEPARTURE TO THE ADVISORY PLANNING BOARD BY FILING A NOTICE OF APPEAL WITH THE PLANNING BOARD WITHIN TEN DAYS OF THE DIRECTOR'S DECISION.

(B) THE PLANNING DIRECTOR SHALL TRANSMIT TO THE ADVISORY PLANNING BOARD AFTER THE APPEAL IS FILED, THE MINOR DEPARTURE APPLICATION AND ALL WRITTEN MATERIALS AND OTHER EVIDENCE RELATED TO ITS REVIEW, AND ANY ADDITIONAL INFORMATION OR EXPLANATORY MATERIAL DEEMED APPROPRIATE. THIS SHALL CONSTITUTE THE RECORD ON APPEAL.

(C) THE ADVISORY PLANNING BOARD SHALL SCHEDULE AND PROVIDE NOTICE OF A PUBLIC HEARING ON THE APPEAL AND CONDUCT A PUBLIC HEARING AFTER THE CLOSE OF THE HEARING, THE ADVISORY PLANNING BOARD SHALL RENDER A FINAL DECISION. THE ADVISORY PLANNING BOARD'S DECISION SHALL BE BASED ON THE STANDARDS IN SUBSECTION (F) BELOW.

(D) THE ADVISORY PLANNING BOARD MAY MODIFY OR REVERSE A DECISION OF THE PLANNING DIRECTOR ON FINDING, BASED ON CLEAR AND SUBSTANTIAL EVIDENCE IN THE RECORD, THAT:

(I) THE RECORD DEMONSTRATES THAT AN ERROR IN JUDGMENT OCCURRED OR FACTS OR PROVISIONS OF ARTICLE II OF THIS CHAPTER WERE MISREAD IN DETERMINING WHETHER THE PARTICULAR STANDARD WAS OR WAS NOT MET;

(ii) THE DECISION IS NOT BASED ON STANDARDS CONTAINED IN SUBSECTION(F) BELOW, OR OTHER APPLICABLE COUNTY ORDINANCES OR REGULATIONS; OR

(iii) THE DECISION VIOLATES COUNTY, STATE, OR FEDERAL LAW.

(E) THE DECISION OF THE ADVISORY PLANNING BOARD SHALL BE BY RESOLUTION AND SHALL INCLUDE A STATEMENT OF THE FINDINGS OF FACT AND CONCLUSIONS THAT SUPPORT THE DECISION. THE RESOLUTION, OR A COPY OF IT, SHALL FORM PART OF THE MINUTES OR OTHER RECORDS OF THE ADVISORY PLANNING BOARD.

(F) THE ADVISORY PLANNING BOARD'S DECISION ON AN APPEAL IS FINAL 30 DAYS AFTER FILING THE WRITTEN DECISION.

(G) THE ADVISORY PLANNING BOARD SHALL PROVIDE ITS DECISION IN WRITING, STATING THE REASONS FOR ITS ACTION. COPIES OF THE DECISION SHALL BE SENT TO ALL PERSONS OF RECORD, AND ANY MUNICIPALITY WITHIN ONE MILE OF THE SUBJECT PROPERTY (IF APPLICABLE), AND THE PLANNING DIRECTOR.

(9) POST-DECISION ACTIONS

(A) EFFECT OF APPROVAL

A MINOR DEPARTURE AUTHORIZES ONLY THE PARTICULAR REGULATORY RELIEF APPROVED. IT DOES NOT EXEMPT THE APPLICANT FROM THE RESPONSIBILITY TO OBTAIN ALL OTHER DEVELOPMENT APPROVALS AND PERMITS REQUIRED AND DOES NOT INDICATE THAT THE DEVELOPMENT FOR WHICH THE DEPARTURE IS GRANTED SHOULD RECEIVE OTHER DEVELOPMENT APPROVALS OR PERMITS UNLESS THE RELEVANT AND APPLICABLE PORTIONS ARTICLE II OF THIS CHAPTER OR ANY OTHER APPLICABLE LAWS ARE MET.

(B) LAPSE OF APPROVAL

A MINOR DEPARTURE ALLOWING THE CONSTRUCTION OF A BUILDING OR STRUCTURE SHALL NOT BE VALID FOR MORE THAN THE VALIDITY PERIOD OF THE DEVELOPMENT APPROVAL OR PERMIT WITH WHICH IT WAS CONSIDERED AND APPROVED.

(C) AMENDMENT

SMALL CAPS: Indicate language added to the City Code.

A MINOR DEPARTURE MAY BE AMENDED ONLY IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS ESTABLISHED FOR ITS ORIGINAL APPROVAL.

(E) MAJOR DEPARTURE PROCEDURE

THIS SUBSECTION IDENTIFIES ADDITIONS OR MODIFICATIONS TO THE STANDARD REVIEW PROCEDURES IN DIVISION 2 OF THIS ARTICLE THAT APPLY TO APPLICATIONS FOR A MAJOR DEPARTURE. FIGURE 26-38(E), SET FORTH HEREINBELOW, IDENTIFIES KEY STEPS IN THE MAJOR DEPARTURE PROCEDURE.

**FIGURE 26-38(E): MAJOR DEPARTURE
PROCEDURE (ILLUSTRATIVE)**

26-20	PRE-APPLICATION CONFERENCE	REQUIRED
26-21	PRE-APPLICATION NEIGHBORHOOD MEETING	REQUIRED
26-22	APPLICATION SUBMITTAL	TO PLANNING DIRECTOR
26-23	DETERMINATION OF COMPLETENESS	PLANNING DIRECTOR MAKES DETERMINATION
26-25	STAFF REVIEW AND ACTION	PLANNING DIRECTOR PREPARES STAFF REPORT
26-26	SCHEDULING OF PUBLIC HEARING AND PUBLIC NOTICE	ADVISORY PLANNING BOARD SCHEDULES HEARING, PROVIDES NOTICE
26-27 & 26-28	REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICER	ADVISORY PLANNING BOARD HOLD PUBLIC HEARING, MAKES DECISION (CONDITIONS ALLOWED)
26-32	NOTIFICATION	PLANNING DIRECTOR NOTIFIES
26-34	EXCEPTIONS	TO CITY COUNCIL

SMALL CAPS: Indicate language added to the City Code.

(1) PRE-APPLICATION CONFERENCE

SECTION 26-20, PRE-APPLICATION CONFERENCE, SHALL GOVERN.

(2) PRE-APPLICATION NEIGHBORHOOD MEETING

SECTION 26-21, PRE-APPLICATION NEIGHBORHOOD MEETING, SHALL APPLY.

(3) APPLICATION SUBMITTAL

SECTION 26-22, APPLICATION SUBMITTAL, SHALL GOVERN. AT THE DISCRETION OF THE PLANNING DIRECTOR, DEVELOPMENT APPLICATIONS FOR MAJOR DEPARTURES MAY BE PROCESSED AND REVIEWED CONCURRENTLY WITH PARENT DEVELOPMENT APPLICATIONS REQUIRED BY THIS ORDINANCE FOR DEVELOPMENT OF A PROJECT (E.G., SPECIAL EXCEPTION OR DETAILED SITE PLAN).

(4) DETERMINATION OF COMPLETENESS

SECTION 26-23, DETERMINATION OF COMPLETENESS, SHALL GOVERN.

(5) STAFF REVIEW AND ACTION

SECTION 26-25, STAFF REVIEW AND ACTION, SHALL GOVERN. AFTER STAFF REVIEW AND EVALUATION OF THE APPLICATION, THE PLANNING DIRECTOR SHALL PREPARE A STAFF REPORT, WHICH SHALL INCLUDE A RECOMMENDATION, ON THE APPLICATION.

(6) SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE

SCHEDULING OF HEARINGS AND PUBLIC NOTICE SHALL BE CONDUCTED AS PROVIDED FOR IN ARTICLE II OF THIS CHAPTER

(7) REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICIAL

SECTION 26-27, REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICIAL, SHALL GOVERN. THE ADVISORY PLANNING BOARD SHALL CONDUCT A PUBLIC HEARING ON THE APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS IN THIS ARTICLE FOR AN EVIDENTIARY HEARING, AND MAKE A DECISION IN ACCORDANCE WITH THE DEPARTURE (MINOR AND MAJOR) DECISION STANDARDS. THE ADVISORY PLANNING BOARD'S DECISION SHALL BE BY RESOLUTION AND SHALL SET FORTH THE ADVISORY PLANNING BOARD'S FINDINGS OF FACT AND CONCLUSIONS TO SUPPORT THE DECISION. THE DECISION SHALL BE TO:

(A) APPROVE THE MAJOR DEPARTURE;

SMALL CAPS: Indicate language added to the City Code.

(B) APPROVE THE MAJOR DEPARTURE, SUBJECT TO CONDITIONS OF APPROVAL; OR

(C) DISAPPROVE THE MAJOR DEPARTURE.

(8) CONDITIONS OF APPROVAL

SECTION 26-31, CONDITIONS OF APPROVAL, SHALL GOVERN.

(9) NOTIFICATION

SECTION 26-32, NOTIFICATION, SHALL GOVERN.

(10) APPEAL

THE RELIEF AVAILABLE TO AN APPLICANT FROM THE DECISION OF THE ADVISORY PLANNING BOARD ON AN APPLICATION FOR A MAJOR DEPARTURE IS TO THE CITY COUNCIL PER SECTION 26-34.

(11) POST-DECISION ACTIONS

(A) EFFECT OF APPROVAL

A MAJOR DEPARTURE AUTHORIZES ONLY THE PARTICULAR REGULATORY RELIEF APPROVED. IT DOES NOT EXEMPT THE APPLICANT FROM THE RESPONSIBILITY TO OBTAIN ALL OTHER DEVELOPMENT APPROVALS AND PERMITS REQUIRED BY THIS ORDINANCE, AND ANY OTHER APPLICABLE LAWS, AND DOES NOT INDICATE THAT THE DEVELOPMENT FOR WHICH THE DEPARTURE IS GRANTED SHOULD RECEIVE OTHER DEVELOPMENT APPROVALS OR PERMITS UNLESS THE RELEVANT AND APPLICABLE PORTIONS ARTICLE II OF THIS CHAPTER OR ANY OTHER APPLICABLE LAWS ARE MET.

(B) LAPSE OF APPROVAL

A MAJOR DEPARTURE ALLOWING THE CONSTRUCTION OF A BUILDING OR STRUCTURE SHALL NOT BE VALID FOR LONGER THAN THE EXPIRATION PERIOD OF THE DEVELOPMENT APPROVAL OR PERMIT WITH WHICH IT WAS CONSIDERED AND APPROVED.

(C) AMENDMENT

A MAJOR DEPARTURE MAY BE AMENDED ONLY IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS ESTABLISHED FOR ITS ORIGINAL APPROVAL.

(F) DEPARTURE (MINOR AND MAJOR) DECISION STANDARDS

SMALL CAPS: Indicate language added to the City Code.

THE PLANNING DIRECTOR OR ADVISORY PLANNING BOARD, AS APPROPRIATE, MAY APPROVE A DEPARTURE (MINOR OR MAJOR) UPON A FINDING THAT THE APPLICANT DEMONSTRATES THE PROPOSED DEPARTURE COMPLIES WITH THE FOLLOWING:

- (1) THE DEPARTURE FALLS WITHIN THE THRESHOLDS PROVIDED IN SECTION 26-38 ABOVE, FOR THE APPLICABLE TYPE OF DEPARTURE;
- (2) THE DEPARTURE IS CONSISTENT WITH THE CHARACTER OF DEVELOPMENT ON SURROUNDING LAND, AND IS COMPATIBLE WITH SURROUNDING LAND USES;
- (3) THE DEPARTURE:
 - (A) COMPENSATES FOR SOME UNUSUAL ASPECT OF THE SITE OR THE PROPOSED DEVELOPMENT THAT IS NOT SHARED BY LANDOWNERS IN GENERAL, AND
 - (B) SUPPORTS AN OBJECTIVE OR GOAL FROM THE PURPOSE AND INTENT STATEMENTS OF THE ZONE WHERE IT IS LOCATED, OR
 - (C) SAVES HEALTHY EXISTING TREES.
- (4) THE DEPARTURE WILL NOT POSE A DANGER TO THE PUBLIC HEALTH OR SAFETY;
- (5) ANY ADVERSE IMPACTS ARE MITIGATED, TO THE MAXIMUM EXTENT PRACTICABLE;
- (6) THE SITE IS NOT SUBJECT TO A SERIES OF MULTIPLE, INCREMENTAL DEPARTURES THAT RESULT IN A REDUCTION IN EACH DEVELOPMENT STANDARD BY THE MAXIMUM ALLOWED OVER THE PREVIOUS TWENTY (20) YEARS. (RELEVANT DEVELOPMENT STANDARDS CANNOT BE REDUCED BEYOND THE MAXIMUM THRESHOLDS ALLOWED IN THIS SUBSECTION, THROUGH MORE THAN ONE DEPARTURE, OVER THE PREVIOUS TWENTY (20) YEARS); AND
- (7) FOR A DEPARTURE FROM A STANDARD CONTAINED IN THE LANDSCAPE MANUAL, THE PLANNING BOARD SHALL FIND, IN ADDITION TO THE REQUIREMENTS ABOVE, THAT THERE IS NO FEASIBLE PROPOSAL FOR ALTERNATIVE COMPLIANCE, AS DEFINED IN THE LANDSCAPE MANUAL, WHICH WOULD EXHIBIT EQUALLY EFFECTIVE DESIGN CHARACTERISTICS.

SUBDIVISION 2. ALTERNATIVE COMPLIANCE FROM THE LANDSCAPE MANUAL.

SEC. 26-39. ALTERNATIVE COMPLIANCE FROM THE LANDSCAPE MANUAL.

SMALL CAPS: Indicate language added to the City Code.

A. THE STANDARDS CONTAINED IN THIS MANUAL ARE INTENDED TO ENCOURAGE DEVELOPMENT THAT IS ECONOMICALLY VIABLE AND ENVIRONMENTALLY SOUND. THE STANDARDS ARE NOT INTENDED TO BE ARBITRARY OR TO INHIBIT CREATIVE SOLUTIONS. PROJECT CONDITIONS MAY JUSTIFY APPROVAL OF ALTERNATIVE METHODS OF COMPLIANCE WITH THE STANDARDS. CONDITIONS MAY ARISE WHERE NORMAL COMPLIANCE IS IMPRACTICAL OR IMPOSSIBLE OR WHERE MAXIMUM ACHIEVEMENT OF THE PURPOSES CAN ONLY BE OBTAINED THROUGH ALTERNATIVE COMPLIANCE. REQUESTS FOR ALTERNATIVE COMPLIANCE MAY BE APPROVED FOR ANY APPLICATION WHEN ONE OR MORE OF THE FOLLOWING CONDITIONS ARE PRESENT:

- (1) TOPOGRAPHY, SOIL, VEGETATION, OR OTHER SITE CONDITIONS ARE SUCH THAT FULL COMPLIANCE WITH THE REQUIREMENTS IS IMPOSSIBLE OR IMPRACTICAL AND IMPROVED ENVIRONMENTAL QUALITY WOULD RESULT FROM THE ALTERNATIVE COMPLIANCE.
- (2) SPACE LIMITATIONS, UNUSUALLY SHAPED LOTS, PREVAILING PRACTICES IN THE SURROUNDING NEIGHBORHOOD, IN-FILL SITES, OR IMPROVEMENTS AND REDEVELOPMENT IN OLDER COMMUNITIES SUPPORT ALTERNATIVE COMPLIANCE.
- (3) CHANGE OF USE ON AN EXISTING SITE INCREASES THE BUFFER REQUIRED BY SECTION 4.7, BUFFERING INCOMPATIBLE USES, MORE THAN IT IS FEASIBLE TO PROVIDE.
- (4) SAFETY CONSIDERATIONS MAKE ALTERNATIVE COMPLIANCE NECESSARY.

B. A PROPOSED ALTERNATIVE COMPLIANCE MEASURE MUST BE EQUALLY EFFECTIVE AS NORMAL COMPLIANCE IN TERMS OF QUALITY, DURABILITY, HARDINESS, AND ABILITY TO FULFILL THE DESIGN CRITERIA IN SECTION 3, LANDSCAPE ELEMENTS AND DESIGN CRITERIA.

C. ALTERNATIVE COMPLIANCE SHALL BE LIMITED TO THE SPECIFIC PROJECT UNDER CONSIDERATION AND SHALL NOT ESTABLISH PRECEDENTS FOR APPROVAL IN OTHER CASES.

D. A REQUEST FOR ALTERNATIVE COMPLIANCE SHALL BE SUBMITTED TO THE PLANNING DIRECTOR. THE DECISION OF THE PLANNING DIRECTOR WILL BE FINAL.

E. REQUESTS FOR ALTERNATIVE COMPLIANCE SHALL BE ACCOMPANIED BY SUFFICIENT WRITTEN, GRAPHIC, AND/OR PHOTOGRAPHIC EXPLANATION AND JUSTIFICATION TO ENABLE APPROPRIATE EVALUATION AND DECISION.

F. WHERE COMPLIANCE WITH THIS MANUAL IS NOT POSSIBLE AND THERE IS NO FEASIBLE PROPOSAL FOR ALTERNATIVE COMPLIANCE THAT IS, IN THE JUDGMENT OF THE PLANNING DIRECTOR OR APPROPRIATE DECISION-MAKING BODY OR OFFICIAL, EQUALLY EFFECTIVE AS

SMALL CAPS: Indicate language added to the City Code.

NORMAL COMPLIANCE, THEN THE APPLICANT MAY, IF APPROPRIATE, SEEK RELIEF BY APPLYING FOR A DEPARTURE.

SUBDIVISION 3. CERTIFICATION, REVOCATION AND REVISION OF NONCONFORMING USES.

SEC. 26-40. CERTIFICATION OF NONCONFORMING USE

(A) GENERAL

THIS SECTION PROVIDES A UNIFORM MECHANISM FOR THE REVIEW AND CERTIFICATION OF ALL NONCONFORMING USES UNDER THIS ORDINANCE.

(B) APPLICABILITY

(1) A NONCONFORMING USE MAY ONLY CONTINUE IF A USE AND OCCUPANCY PERMIT IDENTIFYING THE USE AS NONCONFORMING IS ISSUED AFTER THE PLANNING DIRECTOR OR THE DISTRICT COUNCIL CERTIFIES THE USE IS NONCONFORMING AND IS NOT ILLEGAL .

(2) CERTIFICATION OF A NONCONFORMING USE MAY ONLY BE APPROVED IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS OF THIS SECTION, PRIOR TO ITS DEVELOPMENT OR REDEVELOPMENT.

(3) THE FOLLOWING DEVELOPMENT IS EXEMPTED FROM THE REQUIREMENTS OF THIS SECTION:

(A) NONCONFORMING BUILDINGS, STRUCTURES AND SITE ELEMENTS;

(B) NONCONFORMING SIGNS, EXCEPT THAT OUTDOOR ADVERTISING SIGNS SHALL BE SUBJECT TO THIS SECTION; AND

(C) NONCONFORMING LOTS OF RECORD (SEE SECTION 27-7400).

(C) CERTIFICATION OF NONCONFORMING USE PROCEDURE

THIS SUBSECTION IDENTIFIES ADDITIONS OR MODIFICATIONS TO THE STANDARD REVIEW PROCEDURES , THAT APPLY TO APPLICATIONS TO CERTIFY A NONCONFORMING USE.

(1) APPLICATION SUBMITTAL

(A) THE APPLICANT SHALL FIRST FILE FOR A USE AND OCCUPANCY PERMIT AND SHALL SUBMIT THIS APPLICATION TO THE PLANNING DIRECTOR.

(B) ALONG WITH THE APPLICATION AND ACCOMPANYING PLANS, THE APPLICANT SHALL PROVIDE THE FOLLOWING:

SMALL CAPS: Indicate language added to the City Code.

(I) DOCUMENTARY EVIDENCE, SUCH AS TAX RECORDS, BUSINESS RECORDS, PUBLIC UTILITY INSTALLATION OR PAYMENT RECORDS, AND SWORN AFFIDAVITS, SHOWING THE COMMENCING DATE AND CONTINUOUS EXISTENCE OF THE NONCONFORMING USE;

(II) EVIDENCE THAT THE NONCONFORMING USE HAS NOT CEASED TO OPERATE FOR MORE THAN 180 CONSECUTIVE CALENDAR DAYS BETWEEN THE TIME THE USE BECAME NONCONFORMING AND THE DATE WHEN THE APPLICATION IS SUBMITTED, OR THAT CONDITIONS OF NONOPERATION FOR MORE THAN 180 CONSECUTIVE CALENDAR DAYS WERE BEYOND THE APPLICANT'S AND/OR OWNER'S CONTROL, WERE FOR THE PURPOSE OF CORRECTING CODE VIOLATIONS, OR WERE DUE TO THE SEASONAL NATURE OF THE USE;

(III) SPECIFIC DATA SHOWING:

(AA) THE EXACT NATURE, SIZE, AND LOCATION OF THE BUILDING, STRUCTURE, AND USE;

(BB) A LEGAL DESCRIPTION OF THE PROPERTY; AND

(CC) THE PRECISE LOCATION AND LIMITS OF THE USE ON THE PROPERTY AND WITHIN ANY BUILDING IT OCCUPIES.

(IV) A COPY OF A VALID USE AND OCCUPANCY PERMIT ISSUED FOR THE USE PRIOR TO THE DATE UPON WHICH IT BECAME A NONCONFORMING USE, IF THE APPLICANT POSSESSES ONE.

(V) IN THE CASE OF OUTDOOR ADVERTISING SIGNS, THE REQUIREMENTS OF SUBSECTION (C)(1)(B)(II), ABOVE, ARE NOT APPLICABLE. DOCUMENTARY EVIDENCE, INCLUDING BUT NOT LIMITED TO DEEDS, TAX RECORDS, BUSINESS RECORDS, APPROVED PLATS OR DEVELOPMENT PLANS, PERMITS, PUBLIC UTILITY INSTALLATION OR PAYMENT RECORDS, PHOTOGRAPHS, AND SWORN AFFIDAVITS, SHOWING THAT THE OUTDOOR ADVERTISING SIGN WAS CONSTRUCTED PRIOR TO AND HAS OPERATED CONTINUOUSLY SINCE JANUARY 1, 2002.

(2) DETERMINATION OF COMPLETENESS

THE PLANNING DIRECTOR DETERMINES WHETHER THE APPLICATION IS COMPLETE.

(3) STAFF REVIEW AND ACTION

SMALL CAPS: Indicate language added to the City Code.

(A) IN ADDITION, AND BEFORE THE PLANNING DIRECTOR MAKES A DECISION ON THE APPLICATION, THE APPLICANT SHALL POST THE PROPERTY SUBJECT TO THE APPLICATION WITH A DURABLE SIGN(S) THAT CAN BE READILY SEEN FROM ANY EXISTING PUBLIC RIGHT-OF-WAY(S) ADJOINING THE PROPERTY, WITHIN TEN DAYS OF ACCEPTANCE. THE SIGN(S) SHALL PROVIDE NOTICE OF THE APPLICATION, THE NATURE OF THE NONCONFORMING USE FOR WHICH THE CERTIFICATION IS SOUGHT, A DATE, AT LEAST 20 DAYS AFTER POSTING, BY WHICH WRITTEN COMMENTS AND/OR SUPPORTING DOCUMENTARY EVIDENCE RELATING TO THE COMMENCING DATE AND CONTINUITY OF SUCH NONCONFORMING USE WILL BE RECEIVED AND ACCEPTED FROM THE PUBLIC BY THE PLANNING DIRECTOR, AND INSTRUCTIONS FOR OBTAINING ADDITIONAL INFORMATION ABOUT THE APPLICATION. THIS POSTING REQUIREMENT SHALL NOT APPLY TO USES THAT, WITH THE EXCEPTION OF PARKING IN ACCORDANCE WITH SECTION 27-6300, OFF-STREET PARKING AND LOADING, OCCUR SOLELY WITHIN AN ENCLOSED BUILDING.

(B) EXCEPT FOR OUTDOOR ADVERTISING SIGNS, AFTER STAFF REVIEW AND EVALUATION OF THE APPLICATION, NOTICE OF THE APPLICATION IS POSTED IN ACCORDANCE WITH SUBSECTION (A) ABOVE, AND SUFFICIENT TIME HAS LAPSED FOR RECEIPT OF COMMENTS FROM THE PUBLIC ON THE APPLICATION, THE PLANNING DIRECTOR SHALL MAKE A DECISION ON AN APPLICATION IN ACCORDANCE WITH THE CERTIFICATION OF NONCONFORMING USE DECISION STANDARDS. THE DECISION SHALL BE ONE OF THE FOLLOWING:

- (I) APPROVE THE APPLICATION AS SUBMITTED; OR
- (II) DISAPPROVE THE APPLICATION.

(C) THE PLANNING DIRECTOR SHALL NOT MAKE A DECISION FOR APPROVAL OF THE APPLICATION PRIOR TO THE SPECIFIED DATE ON WHICH WRITTEN COMMENTS AND/OR REQUESTS FOR PUBLIC HEARING ARE ACCEPTED.

(D) FOR OUTDOOR ADVERTISING SIGNS, IF SATISFACTORY DOCUMENTARY EVIDENCE IS RECEIVED, THE PLANNING DIRECTOR SHALL APPROVE CERTIFICATION OF THE USE AS NONCONFORMING FOR THE PURPOSE OF ISSUING APPLICABLE PERMITS AND CERTIFYING THE USE AS NONCONFORMING. THIS APPROVAL SHALL NOT BE MADE PRIOR TO THE

SMALL CAPS: Indicate language added to the City Code.

SPECIFIED DATE ON WHICH WRITTEN COMMENTS AND/OR REQUESTS FOR PUBLIC HEARING ARE ACCEPTED.

(E) IF THE APPLICATION IS DISAPPROVED, A WRITTEN STATEMENT SHALL BE INCLUDED WITH THE APPLICATION STATING THE REASONS WHY THE APPLICATION DOES NOT COMPLY WITH THE DECISION STANDARDS.

(F) FOLLOWING A DECISION, THE PLANNING DIRECTOR SHALL NOTIFY THE CITY COUNCIL AND THE APPLICANT OF THE DECISION. ELECTRONIC NOTICE OF THE DECISION SHALL ALSO BE MADE BY THE PLANNING DIRECTOR NOT LATER THAN 7 CALENDAR DAYS AFTER THE DATE OF THE DECISION.

(G) IF NO APPEAL OF THE PLANNING DIRECTOR'S DECISION HAS BEEN FILED; OR IF THE CITY COUNCIL DOES NOT ELECT TO REVIEW THE DECISION AS AUTHORIZED BELOW; WITHIN THIRTY (30) DAYS OF RECEIPT OF THE DECISION BY THE PLANNING DIRECTOR, THE PLANNING DIRECTOR SHALL CERTIFY THE USE AS NONCONFORMING IF THE DECISION HAD BEEN FOR APPROVAL, AND SHALL DISAPPROVE THE APPLICATION IF THE DECISION HAD BEEN FOR DISAPPROVAL.

(H) SUBSECTIONS (F) AND (G), ABOVE, AND SUBSECTION (C)(5) BELOW, SHALL NOT APPLY TO USES THAT, WITH THE EXCEPTION OF PARKING IN ACCORDANCE WITH OFF-STREET PARKING AND LOADING, OCCUR SOLELY WITHIN AN ENCLOSED BUILDING.

(4) NOTIFICATION

SEE SECTION 26-32 NOTIFICATION, FOR PUBLIC HEARING NOTIFICATION, IF ANY PUBLIC HEARINGS ARE REQUIRED. SEE SUBSUBSECTION (C)(3), ABOVE, FOR NOTIFICATION PERTAINING TO ADMINISTRATIVE PROCEDURES INVOLVING PLANNING DIRECTOR DECISIONS.

(5) APPEAL, ELECTION, AND PUBLIC HEARINGS

(A) THE APPLICANT OR ANY AGGRIEVED PERSON MAY APPEAL THE PLANNING DIRECTOR'S DECISION ON AN APPLICATION FOR A CERTIFICATION OF NONCONFORMING USE, BY FILING A NOTICE OF APPEAL WITH THE CITY COUNCIL WITHIN 30 DAYS OF THE PLANNING DIRECTOR'S MAILING OF THE DECISION.

(B) IN ADDITION, THE CITY COUNCIL MAY, ON ITS OWN MOTION, ELECT TO REVIEW THE PLANNING DIRECTOR'S DECISION ON THE CERTIFICATE OF

SMALL CAPS: Indicate language added to the City Code.

NONCONFORMING USE, WITHIN 30 DAYS OF RECEIVING NOTICE OF THE PLANNING DIRECTOR'S DECISION.

(C) IF AN APPEAL IS FILED OR THE CITY COUNCIL DECIDES TO REVIEW THE PLANNING DIRECTOR'S DECISION, THE CITY CLERK SHALL NOTIFY THE PLANNING DIRECTOR OF THE COUNCIL'S DECISION. WITHIN SEVEN (7) CALENDAR DAYS AFTER RECEIVING THIS NOTICE, THE PLANNING DIRECTOR SHALL TRANSMIT TO THE CITY COUNCIL THE APPLICATION AND ALL WRITTEN MATERIALS AND OTHER EVIDENCE RELATED TO ITS REVIEW, AND ANY ADDITIONAL INFORMATION OR EXPLANATORY MATERIAL DEEMED APPROPRIATE. THIS SHALL CONSTITUTE THE RECORD ON APPEAL OR ELECTION REVIEW.

(D) THE CITY COUNCIL SHALL MAKE ITS DECISION WITHIN FORTY-FIVE (45) DAYS FROM THE FILING OF THE PLANNING DIRECTOR'S RECOMMENDATION. THE CITY COUNCIL SHALL RENDER A FINAL DECISION BASED ON THE APPLICABLE DECISION STANDARDS. THE CITY COUNCIL SHALL PROVIDE ITS DECISION IN WRITING, STATING THE REASONS FOR ITS ACTION. FAILURE OF THE COUNCIL TO TAKE ACTION WITHIN THIS TIME SHALL CONSTITUTE A DECISION TO CERTIFY THE USE.

(E) THE CITY COUNCIL MAY MODIFY OR REVERSE THE DECISION OF THE PLANNING DIRECTOR ON APPEAL OR ELECTION TO REVIEW IF THE DECISION IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, IS ARBITRARY AND CAPRICIOUS, OR IS PREDICATED ON AN ERROR OF LAW.

(F) THE CITY CLERK SHALL MAIL COPIES OF THE DISTRICT COUNCIL'S DECISION TO ALL PERSONS OF RECORD AND THE PLANNING DIRECTOR, WITHIN A REASONABLE PERIOD OF TIME AFTER THE DECISION.

(6) POST-DECISION ACTIONS

(A) DEVELOPMENT OF THE LAND SUBJECT TO A CERTIFICATION OF NONCONFORMING USE SHALL COMPLY WITH THE APPROVED CERTIFICATION OF NONCONFORMING USE, AND ALL RELEVANT PROVISIONS OF THIS ARTICLE AND THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

(B) FOLLOWING CERTIFICATION OF NONCONFORMING USE, THE CONCURRENT APPLICATION FOR A USE AND OCCUPANCY PERMIT THAT WAS SUBMITTED WITH THE APPLICATION FOR CERTIFICATION OF NONCONFORMING USE SHALL BE FORWARDED TO THE DPIE DIRECTOR FOR

SMALL CAPS: Indicate language added to the City Code.

APPROVAL AND ISSUANCE. THE USE AND OCCUPANCY PERMIT SHALL IDENTIFY THE USE AS NONCONFORMING. ANY PERSON MAKING USE OF OR RELYING UPON THE CERTIFICATION THAT IS VIOLATING OR HAS VIOLATED ANY CONDITIONS THEREOF, OR THAT THE USE FOR WHICH THE CERTIFICATION WAS GRANTED IS BEING, OR HAS BEEN EXERCISED CONTRARY TO THE TERMS OR CONDITIONS OF SUCH APPROVAL SHALL BE GROUNDS FOR REVOCATION PROCEEDINGS IN ACCORDANCE WITH THIS SECTION.

(7) REVOCATION OF CERTIFICATION

(A) UPON ITS OWN MOTION, THE ADVISORY PLANNING BOARD MAY CONDUCT A PUBLIC HEARING TO DETERMINE WHETHER AN APPROVED CERTIFICATION OF A NONCONFORMING USE SHOULD BE REVOKED. THE LANDOWNERS SUBJECT TO THE POTENTIAL REVOCATION AND ALL PERSONS OF RECORD SHALL BE GIVEN NOTICE OF THE HEARING WITHIN A REASONABLE PERIOD OF TIME PRIOR TO THE HEARING.

(B) THE ADVISORY PLANNING BOARD SHALL REVOKE THE CERTIFICATION IF IT FINDS THAT EITHER:

(I) THERE WAS FRAUD OR MISREPRESENTATION IN OBTAINING THE CERTIFICATION; OR

(II) A CERTIFIED NONCONFORMING USE HAS BEEN DISCONTINUED FOR A PERIOD OF 180 OR MORE CONSECUTIVE DAYS, UNLESS THE CONDITIONS OF NON-OPERATION WERE BEYOND THE CONTROL OF THE OWNER OR HOLDER OF THE USE AND OCCUPANCY PERMIT; OR

(III) ANY APPLICABLE REQUIREMENTS OF SECTION 26-40 CERTIFICATION OF NONCONFORMING USE, HAVE NOT BEEN MET.

(C) THE PLANNING BOARD SHALL NOTIFY THE PLANNING DIRECTOR OF A REVOCATION.

(D) THE DECISION OF THE ADVISORY PLANNING BOARD MAY BE APPEALED TO THE CITY COUNCIL IN THE SAME MANNER AS AN ORIGINAL CERTIFICATION.

(D) CERTIFICATION OF NONCONFORMING USE DECISION STANDARDS

AN APPLICATION FOR A CERTIFICATION OF NONCONFORMING USE SHALL BE APPROVED UPON FINDING THAT:

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- (1) THE APPLICANT DEMONSTRATES THE DEVELOPMENT IS A NONCONFORMING USE AND HAS SUBMITTED SUFFICIENT EVIDENCE AS TO THE COMMENCING DATE AND CONTINUITY OF THE NONCONFORMING USE; AND
- (2) THE USE TO BE CERTIFIED AS NONCONFORMING HAS NO OUTSTANDING CITY OR COUNTY CODE VIOLATIONS WITH THE PRINCE GEORGE'S COUNTY DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT REGARDING THE PROPERTY OTHER THAN FAILURE TO HAVE A USE AND OCCUPANCY PERMIT.

SEC. 26-41. RESERVED.

SUBDIVISION 4. VARIANCES

SEC. 26-42. VARIANCE

(A) GENERAL

THIS SECTION ESTABLISHES A UNIFORM MECHANISM TO ALLOW CERTAIN VARIANCES FROM DIMENSIONAL STANDARDS (SUCH AS HEIGHT, YARD SETBACK, AND LOT AREA) AND CERTAIN DEVELOPMENT STANDARDS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE WHEN THEIR STRICT APPLICATION WOULD RESULT IN UNNECESSARY HARDSHIP.

(B) APPLICABILITY

- (1) THE PROCEDURES AND STANDARDS IN THIS SECTION APPLY TO THE REVIEW OF AND DECISION ON APPLICATIONS FOR A VARIANCE FROM THE INTENSITY AND DIMENSIONAL STANDARDS IN PART 27-4: ZONES AND ZONE REGULATIONS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.
- (2) VARIANCES ARE NOT ALLOWED FOR REQUESTS TO:
 - (A) AMEND THE TEXT OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE OR THE OFFICIAL ZONING MAP;
 - (B) PERMIT A USE IN A ZONE WHERE IT IS PROHIBITED;
 - (C) ELIMINATE THE REQUIREMENT THAT A SPECIAL EXCEPTION BE GRANTED FOR A USE;
 - (D) WAIVE OR MODIFY ANY PROCEDURAL REQUIREMENTS OR APPLICATION SUBMISSION FEES;
 - (E) WAIVE OR MODIFY ANY CONDITION(S) OF APPROVAL SPECIFICALLY IMPOSED AS PART OF THE APPROVAL FOR A DEVELOPMENT APPROVAL OR PERMIT;
 - (F) WAIVE A SPECIFIC FINDING REQUIRED TO BE MADE IN TAKING ACTION ON ANY DEVELOPMENT APPROVAL OR PERMIT IN ACCORDANCE WITH THIS ORDINANCE;

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- (G) SEEK ANY CHANGE TO THE STANDARDS OF THE PRINCE GEORGE'S ZONING ORDINANCE WHICH MAY BE REQUESTED AND GRANTED IN ACCORDANCE WITH A MINOR DEPARTURE OR MAJOR DEPARTURE, OR MINOR ADMINISTRATIVE WAIVER OR MODIFICATION, IN ACCORDANCE WITH SECTION 27-3614, DEPARTURE (MINOR AND MAJOR), NOR ANY CHANGE TO THE STANDARDS SPECIFIED IN THAT SECTION THAT MAY EXCEED THE MAXIMUM DEPARTURE (MINOR OR MAJOR) PERCENTAGE FROM STANDARD WHICH MAY BE GRANTED BY THE PLANNING DIRECTOR OR PLANNING BOARD;
- (H) GRANT A VARIANCE DENIED BY THE DISTRICT COUNCIL OR THE ZHE;
- (I) GRANT ADDITIONAL TIME FOR A USE FOR WHICH A USE AND OCCUPANCY PERMIT HAS NOT BEEN ISSUED;
- (J) WAIVE OR MODIFY ANY REQUIREMENTS OF THE CBCA (EXCEPT WHERE PERMITTED IN SUBTITLE 5B OF THE PRINCE GEORGE'S COUNTY CODE), APA OR MIA OVERLAY ZONES;
- (K) GRANT A VARIANCE FROM ANY OF THE REQUIREMENTS OF SUBTITLE 5B OF THE COUNTY CODE;
- (L) GRANT A VARIANCE FROM ANY PROVISION OF THIS SUBTITLE APPLICABLE TO, REQUIRED BY, OR CONCERNING AN ADULT ENTERTAINMENT USE;
- (M) GRANT A VARIANCE CONCERNING RESIDENTIAL DENSITY WHICH WOULD RESULT IN AN INCREASE IN THE MAXIMUM ALLOWABLE NUMBER OF DWELLING UNITS IN A ZONE;
- (N) HEAR AND DECIDE UPON AN APPEAL FROM A DECISION OF THE PLANNING BOARD IN CONNECTION WITH THE APPROVAL OF A DETAILED SITE PLAN;
- (O) GRANT A VARIANCE WHICH IS OF A GREATER DEGREE THAN A VARIANCE GRANTED BY THE DISTRICT COUNCIL, WHERE THE VARIANCE GRANTED BY THE COUNCIL IS OF LESS DEGREE THAN REQUESTED FROM THE COUNCIL, PROVIDED:
 - (I) THERE HAS BEEN NO INTERVENING ZONING ORDINANCE TEXT AMENDMENT WHICH CHANGES THE NATURE OF THE VARIANCE REQUEST;
 - (II) THE COUNCIL HAS NOT ERRED IN CONSIDERING THE ORIGINAL VARIANCE REQUEST; OR
 - (III) THE PROPOSED USE HAS NOT CHANGED FROM THE ONE CONSIDERED BY THE COUNCIL;

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- (P) GRANT A VARIANCE TO ANY MINIMUM NET LOT AREA REQUIREMENT WHICH WOULD ALLOW THE RECORDING OF A SUBDIVISION PLAT FOR TWO (2) OR MORE LOTS THAT HAVE LESS THAN THE MINIMUM NET LOT AREA FOR THE ZONE IN WHICH THE PROPERTY IS LOCATED, UNLESS THE PLANNING BOARD APPROVES A SUBDIVISION PLAT SUBJECT TO THE GRANTING OF THE VARIANCE;
 - (Q) GRANT A VARIANCE TO ANY MINIMUM NET LOT AREA REQUIREMENT WHICH WOULD ALLOW DEVELOPMENT ON EACH OF TWO (2) OR MORE ABUTTING LOTS IN THE SAME OWNERSHIP THAT COULD BE COMBINED OR RE-SUBDIVIDED TO CONFORM TO THE MINIMUM NET LOT AREA REQUIREMENTS OF THE ZONE IN WHICH THE PROPERTY IS LOCATED, UNLESS THE PLANNING BOARD APPROVES A SUBDIVISION PLAT SUBJECT TO THE GRANTING OF THE VARIANCE;
 - (R) GRANT A VARIANCE FROM REQUIREMENTS SET FORTH IN THE LANDSCAPE MANUAL OR ANY OTHER PROVISION OF THIS SUBTITLE CONCERNING LANDSCAPING, BUFFERING, OR SCREENING;
 - (S) CONSIDER ANY APPLICATION REQUESTING ADDITIONAL TIME TO CEASE A VIOLATION INVOLVING A SOLID WASTE TRANSFER STATION; AND
 - (T) GRANT A VARIANCE TO ANY REQUIREMENT CONCERNING THE KEEPING OF ANIMALS OR POULTRY (OTHER THAN CUSTOMARY HOUSEHOLD PETS);
 - (U) GRANT A VARIANCE TO THE MAXIMUM LOT COVERAGE OR MINIMUM GREEN AREA IN THE IE 1 ZONE AS OTHERWISE LIMITED BY SECTION 27-4203(E)(2)NOTE 6; AND
 - (V) NOTWITHSTANDING SECTION 27-3613(B)(1)A), VARIANCES ARE NOT ALLOWED FOR REQUESTS TO GRANT A VARIANCE FROM THE INTENSITY AND DIMENSIONAL STANDARDS IN PART 27-4: ZONES AND ZONE REGULATIONS FOR DEVELOPMENT APPLICATIONS PURSUANT TO SECTION 27-7403(A), USE OF NONCONFORMING LOTS, IF SUCH VARIANCE PETITIONS ARE BASED SOLELY ON THE PHYSICAL UNIQUENESS OR UNUSUALNESS, OR PARTICULAR UNIQUENESS OR UNUSUALNESS, OF A LOT SMALLER THAN THE MINIMUM LOT SIZE OF THE ZONE.
- (3) APPLICATIONS FOR A VARIANCE SHALL BE REVIEWED AND DECIDED IN ONE OF THE FOLLOWING WAYS:
- (A) IF A VARIANCE APPLICATION IS NOT REQUIRED TO BE SUBMITTED WITH A PARENT APPLICATION, THE VARIANCE APPLICATION SHALL BE REVIEWED AND DECIDED BY THE ZONING VARIANCE HEARING BOARD OR THE PLANNING DIRECTOR UNDER THE CIRCUMSTANCES IDENTIFIED IN (B) AND (C) BELOW.

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(B) ZONING VARIANCE HEARING BOARD.

- (I) THERE IS HEREBY ESTABLISHED A ZONING VARIANCE HEARING BOARD TO REVIEW AND RENDER DECISIONS ON APPLICATIONS FOR VARIANCES FROM THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.
- (II) COMPOSITION AND MEMBERSHIP. THE ZONING VARIANCE HEARING BOARD SHALL BE COMPOSED OF THREE MEMBERS OF THE BOWIE ADVISORY PLANNING BOARD WHO SHALL SERVE ON AN AD HOC BASIS. A QUORUM OF THE ZONING VARIANCE HEARING BOARD SHALL BE TWO MEMBERS.
- (III) POWERS. THE ZONING VARIANCE HEARING BOARD SHALL HAVE THE AUTHORITY TO HEAR AND TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING APPLICATIONS FOR VARIANCES FROM THE STRICT APPLICATION OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE WITH RESPECT TO LOT SIZE, SETBACK AND SIMILAR REQUIREMENTS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE FOR LAND WITHIN THE CORPORATE BOUNDARIES OF THE CITY, EXCEPT THAT THE BOARD SHALL NOT HAVE THE POWER TO HEAR AND DECIDE VARIANCE REQUESTS OVER WHICH THE DISTRICT COUNCIL HAS RETAINED JURISDICTION.
- (IV) PROCEDURES. THE ZONING VARIANCE HEARING BOARD MAY GRANT A VARIANCE ONLY PURSUANT TO THE STANDARDS AND PROCEDURES SET FORTH IN SECTION 26-19A AND ARTICLE II, SUBDIVISION 4 OF THIS CHAPTER.
- (C) THE PLANNING DIRECTOR MAY ISSUE A VARIANCE UNCONTESTED CASES AND IN CASES WHERE THE VARIANCE REQUESTED IS OF A MINIMAL NATURE, WHERE IN THE JUDGMENT OF THE PLANNING DIRECTOR THE APPLICANT OTHERWISE SATISFIES THE CRITERIA FOR THE GRANT OF A VARIANCE.

(C) PROCEDURES:

- 1. UPON A RESIDENT CONTACTING CITY STAFF REGARDING A POTENTIAL ZONING VARIANCE, CITY STAFF SHALL ARRANGE FOR A PRE-APPLICATION CONFERENCE TO REVIEW APPLICATION REQUIREMENTS AND DISCUSS THE POSSIBILITY FOR A PLANNING DIRECTOR LEVEL REVIEW.
- 2. UPON THE FILING OF A VARIANCE APPLICATION, THE PLANNING DIRECTOR MAY PROCESS THE APPLICATION ADMINISTRATIVELY, WITHOUT A PUBLIC HEARING, UNDER THE FOLLOWING CIRCUMSTANCES:
 - (A) THE PLANNING DIRECTOR HAS DETERMINED THAT THE AMOUNT OF THE PROSPECTIVE REQUEST IS DE MINIMIS (INSIGNIFICANT); OR

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- (B) AN INFORMATIONAL MAILING AND SIGN POSTING OF THE PROPERTY HAVE BEEN COMPLETED BY THE CITY, AND 14 CALENDAR DAYS HAVE ELAPSED FROM THE DATE OF MAILING/POSTING, WITH NO OPPOSITION TO THE APPLICATION HAVING BEEN RECEIVED BY THE CITY. IF ANYONE CONTACTS THE PLANNING DEPARTMENT IN OPPOSITION TO THE VARIANCE APPLICATION, THE PLANNING DIRECTOR SHALL ISSUE A WRITTEN COMMUNICATION TO THE APPLICANT STATING THAT THE REQUEST IS NOT ELIGIBLE FOR PLANNING DIRECTOR LEVEL REVIEW.
3. ALL INFORMATIONAL MAILING NOTICES SHALL CONTAIN:
 - (A) THE NAME OF THE APPLICANT AND ADDRESS OF THE SUBJECT PROPERTY;
 - (B) A BRIEF STATEMENT DESCRIBING THE SPECIFIC NATURE OF THE VARIANCE APPLICATION;
 - (C) A DEADLINE FOR SUBMITTING COMMENTS TO THE PLANNING DIRECTOR; AND,
 - (D) A STATEMENT THAT THE VARIANCE APPLICATION WILL BE REVIEWED AS A PLANNING DIRECTOR LEVEL REVIEW APPLICATION, IF NO ONE OBJECTS BY THE DEADLINE.
 4. AN APPLICATION FOR A VARIANCE SHALL BE MADE ON THE FORMS PROVIDED BY THE CITY. ALL INFORMATION REQUIRED ON THE FORMS SHALL BE FURNISHED BY THE APPLICANT AND ANY INCOMPLETE APPLICATIONS SHALL NOT BE ACCEPTED.
 5. VARIANCE APPLICATIONS UNDERGOING PLANNING DIRECTOR LEVEL REVIEW SHALL BE NUMBERED SEQUENTIALLY. ALL SUCH CASES SHALL BE GIVEN THE PREFIX PDVAR, FOLLOWED BY A NUMBER/YEAR SIGNIFYING A UNIQUE APPLICATION. FOR EXAMPLE: PDVAR-1-2024, PDVAR-2-2024, ETC.
 6. THE PLANNING DIRECTOR SHALL ANALYZE EACH APPLICATION AND ISSUE A MEMORANDUM OF FINDINGS AND CONCLUSIONS, ADDRESSING THE CRITERIA FOR GRANTING VARIANCES SPECIFIED IN SECTION 26-42(F) OF THE CITY CODE, ALONG WITH A DISPOSITION OF THE CASE. THE PROJECT CASE FILE EXISTING ON THE DATE OF ISSUANCE OF THE DECISION SHALL CONSTITUTE THE RECORD.
 7. EACH DECISION OF THE PLANNING DIRECTOR SHALL BE NOTED IN THE WEEKLY CITY COUNCIL STATUS REPORT, TYPICALLY WITHIN ONE TO TWO WEEKS OF THE DATE OF DECISION.
 8. A DECISION OF THE PLANNING DIRECTOR PERMITTING THE ERECTION OF A BUILDING OR STRUCTURE SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS A BUILDING PERMIT FOR THE ERECTION OF THE BUILDING OR STRUCTURE IS OBTAINED WITHIN THIS

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PERIOD AND THE CONSTRUCTION IS STARTED AND PROCEEDS TO COMPLETION IN ACCORDANCE WITH THE TERMS OF THE DECISION AND THE PERMIT.

(D) ADDITIONAL VARIANCE PROCEDURE

THIS SUBSECTION IDENTIFIES ADDITIONS OR MODIFICATIONS TO THE STANDARD REVIEW PROCEDURES THAT APPLY TO APPLICATIONS FOR A VARIANCE.

1. AN APPLICATION TO APPEAL FOR A VARIANCE SHALL BE SUBMITTED TO THE PLANNING DIRECTOR.

2. DETERMINATION OF COMPLETENESS

THE PLANNING DIRECTOR SHALL DETERMINE IF THE APPLICATION IS COMPLETE.

3. STAFF REVIEW AND ACTION

AFTER STAFF REVIEW AND EVALUATION OF THE APPLICATION, THE PLANNING DIRECTOR SHALL PREPARE A STAFF REPORT. THE REPORT SHALL INCLUDE A RECOMMENDATION ON THE APPLICATION.

4. SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE

THE PLANNING DIRECTOR OR ZONING VARIANCE HEARING BOARD SHALL BE RESPONSIBLE FOR SCHEDULING AND PUBLIC NOTICE OF THE HEARING.

5. REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICIAL

THE ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR SHALL REVIEW AND MAKE A DECISION ON THE VARIANCE APPLICATION. THE ZONING VARIANCE HEARING BOARD SHALL CONDUCT A PUBLIC HEARING ON THE APPLICATION IN ACCORDANCE WITH SECTION 26-29 EVIDENTIARY HEARING, AND THE ZONING VARIANCE HEARING BOARD OF PLANNING DIRECTOR SHALL MAKE A DECISION IN ACCORDANCE WITH SECTION 26-42(F), VARIANCE DECISION STANDARDS. THE DECISION SHALL BE BY RESOLUTION AND SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS THAT SUPPORT THE DECISION. THE DECISION SHALL BE ONE OF THE FOLLOWING:

- (A) APPROVE THE APPLICATION AS SUBMITTED;
- (B) APPROVE THE APPLICATION SUBJECT TO CONDITIONS OF APPROVAL; OR
- (C) DISAPPROVE THE APPLICATION.

6. THE ZONING VARIANCE REVIEW BOARD'S DECISION IS FINAL 30 DAYS AFTER FILING THE WRITTEN DECISION.

7. CONDITIONS OF APPROVAL

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AS A CONDITION OF APPROVAL, THE ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR MAY ESTABLISH A TIME FRAME WITHIN WHICH THE DEVELOPMENT FOR WHICH THE VARIANCE IS REQUESTED SHALL BEGIN AND/OR BE COMPLETED. THE VARIANCE SHALL AUTOMATICALLY EXPIRE AND BE VOID UPON THE LAPSE OF THE ESTABLISHED TIME FRAME IF THE DEVELOPMENT FOR WHICH THE VARIANCE IS GRANTED IS NOT BEGUN AND/OR COMPLETED. ANY ESTABLISHED TIME FRAME SHALL NOT EXCEED TWO YEARS.

8. NOTIFICATION

THE PLANNING DIRECTOR SHALL PROVIDE NOTICE AS REQUIRED BY THIS ARTICLE.

9. POST-DECISION ACTIONS

(A) EFFECT OF APPROVAL

APPROVAL OF A VARIANCE AUTHORIZES ONLY THE PARTICULAR REGULATORY RELIEF APPROVED. IT DOES NOT EXEMPT THE APPLICANT FROM THE RESPONSIBILITY TO OBTAIN ALL OTHER DEVELOPMENT APPROVALS AND PERMITS REQUIRED, AND DOES NOT INDICATE THAT THE DEVELOPMENT FOR WHICH THE VARIANCE IS GRANTED SHOULD RECEIVE OTHER DEVELOPMENT APPROVALS OR PERMITS, UNLESS THE RELEVANT AND APPLICABLE PORTIONS OF THIS CHAPTER OR ANY OTHER APPLICABLE LAWS ARE MET

(B) LAPSE OF APPROVAL

A VARIANCE ALLOWING THE CONSTRUCTION OF A BUILDING OR STRUCTURE SHALL NOT BE VALID FOR MORE THAN THE VALIDITY PERIOD OF THE PARENT APPLICATION OR TWO YEARS, WHICHEVER IS LONGER, UNLESS A BUILDING PERMIT FOR THE CONSTRUCTION OF THE BUILDING OR STRUCTURE IS OBTAINED WITHIN THIS PERIOD, AND THE CONSTRUCTION IS STARTED AND PROCEEDS TO COMPLETION IN ACCORDANCE WITH THE TERMS OF THE DECISION AND THE BUILDING PERMIT.

(E) REFILING

IF THE CITY COUNCIL DENIES AN APPEAL INVOLVING A VARIANCE, NO FURTHER APPEAL COVERING THE SAME SPECIFIC SUBJECT ON THE SAME PROPERTY SHALL BE FILED WITHIN THE FOLLOWING TWELVE (12) MONTH PERIOD. IF THE SECOND APPEAL

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IS ALSO DENIED, NO OTHER SUBSEQUENT APPEALS COVERING THE SAME SPECIFIC SUBJECT ON THE SAME PROPERTY SHALL BE FILED WITHIN EACH EIGHTEEN (18) MONTH PERIOD FOLLOWING THE RESPECTIVE DENIAL

(F) VARIANCE DECISION STANDARDS

A VARIANCE MAY ONLY BE GRANTED WHEN THE BOARD OR PLANNING DIRECTOR, AS APPROPRIATE, FINDS THAT:

- (1) A SPECIFIC PARCEL OF LAND IS PHYSICALLY UNIQUE AND UNUSUAL IN A MANNER DIFFERENT FROM THE NATURE OF SURROUNDING PROPERTIES WITH RESPECT TO EXCEPTIONAL NARROWNESS, SHALLOWNESS, SHAPE, EXCEPTIONAL TOPOGRAPHIC CONDITIONS, OR OTHER EXTRAORDINARY CONDITIONS PECULIAR TO THE SPECIFIC PARCEL (SUCH AS HISTORICAL SIGNIFICANCE OR ENVIRONMENTALLY SENSITIVE FEATURES);
- (2) THE PARTICULAR UNIQUENESS AND PECULIARITY OF THE SPECIFIC PROPERTY CAUSES A ZONING PROVISION TO IMPACT DISPROPORTIONATELY UPON THAT PROPERTY, SUCH THAT STRICT APPLICATION OF THE PROVISION WILL RESULT IN PECULIAR AND UNUSUAL PRACTICAL DIFFICULTIES TO THE OWNER OF THE PROPERTY;
- (3) SUCH VARIANCE IS THE MINIMUM REASONABLY NECESSARY TO OVERCOME THE EXCEPTIONAL PHYSICAL CONDITIONS;
- (4) SUCH VARIANCE CAN BE GRANTED WITHOUT SUBSTANTIAL IMPAIRMENT TO THE INTENT, PURPOSE AND INTEGRITY OF THE GENERAL PLAN OR ANY FUNCTIONAL MASTER PLAN, AREA MASTER PLAN, OR SECTOR PLAN AFFECTING THE SUBJECT PROPERTY;
- (5) SUCH VARIANCE WILL NOT SUBSTANTIALLY IMPAIR THE USE AND ENJOYMENT OF ADJACENT PROPERTIES; AND
- (6) A VARIANCE MAY NOT BE GRANTED IF THE PRACTICAL DIFFICULTY IS SELF-INFLICTED BY THE OWNER OF THE PROPERTY.

SUBDIVISION 5. MINOR REVISIONS TO SPECIAL EXCEPTIONS

SEC. 26-43. MINOR REVISIONS TO SPECIAL EXCEPTIONS

(A) GENERAL

SMALL CAPS: Indicate language added to the City Code.

A USE DESIGNATED AS A SPECIAL EXCEPTION IN A PARTICULAR ZONE IS A USE THAT MAY BE APPROPRIATE IN THE ZONE, BUT BECAUSE OF ITS NATURE, EXTENT, AND EXTERNAL EFFECTS, REQUIRES SPECIAL CONSIDERATION OF ITS LOCATION, DESIGN, AND METHODS OF OPERATION BEFORE IT CAN BE DEEMED APPROPRIATE IN THE ZONE AND COMPATIBLE WITH ITS SURROUNDINGS. THIS SECTION ESTABLISHES A UNIFORM MECHANISM TO REVIEW SPECIAL EXCEPTIONS TO ENSURE THEY ARE APPROPRIATE FOR THE LOCATION AND ZONE WHERE THEY ARE PROPOSED.

(B) APPLICABILITY

THE PROCEDURES AND STANDARDS OF THIS SUBSECTION APPLY TO:

- (1) ANY USE THAT IS DESIGNATED AS A SPECIAL EXCEPTION IN A ZONE IN SECTION 27-5101, PRINCIPAL USE TABLES; OR
- (2) ANY OTHER DEVELOPMENT ACTIVITY THAT REQUIRES SPECIAL EXCEPTION REVIEW BY THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

(C) CHANGES TO APPROVED SPECIAL EXCEPTIONS: MINOR CHANGES

THE ADVISORY PLANNING BOARD OR PLANNING DIRECTOR MAY APPROVE MINOR CHANGES TO AN APPROVED SPECIAL EXCEPTION, IN ACCORDANCE WITH THE FOLLOWING:

(1) POSTED NOTICE

THE LAND SUBJECT TO THE MINOR CHANGE SHALL BE POSTED WITH NOTICE WITHIN FOURTEEN (14) DAYS OF THE DATE THE APPLICATION IS DETERMINED COMPLETE. THE PLANNING DIRECTOR MAY WAIVE POSTING AFTER DETERMINING, IN WRITING, THAT THE PROPOSED MINOR CHANGE IS SO LIMITED IN SCOPE AND NATURE THAT IT HAS NO APPRECIABLE IMPACT ON ADJACENT LANDS. ON AND AFTER THE FIRST DAY OF POSTING, THE APPLICATION MAY NOT BE AMENDED.

(2) CHANGES APPROVED BY ADVISORY PLANNING BOARD

(A) THE ADVISORY PLANNING BOARD MAY REVIEW AND APPROVE, APPROVE WITH CONDITIONS, OR DISAPPROVE THE FOLLOWING MINOR CHANGES:

- (I) AN INCREASE OF NO MORE THAN FIFTEEN (15) PERCENT IN THE GROSS FLOOR AREA OF A BUILDING; OR

(II) AN INCREASE OF NO MORE THAN FIFTEEN (15) PERCENT IN THE LAND AREA COVERED BY A STRUCTURE OTHER THAN A BUILDING.

(B) THE ADVISORY PLANNING BOARD SHALL REVIEW AND MAKE A DECISION ON THE APPLICATION FOR MINOR CHANGE IN ACCORDANCE WITH THE REQUIRED FINDINGS.

(C) A COPY OF THE ADVISORY PLANNING BOARD'S DECISION SHALL BE SENT TO ALL PERSONS OF RECORD AND THE CITY CLERK.

(3) CHANGES APPROVED BY PLANNING DIRECTOR

(A) THE PLANNING DIRECTOR MAY REVIEW AND APPROVE, APPROVE WITH CONDITIONS, OR DISAPPROVE A MINOR CHANGE THAT INVOLVES:

(I) AN INCREASE IN GROSS FLOOR AREA OR LAND COVERED BY A STRUCTURE (OTHER THAN A BUILDING) UP TO TEN (10) PERCENT, IF THE CHANGE DOES NOT HAVE A SIGNIFICANT IMPACT ON ADJACENT LANDS;

(II) A MINOR CHANGE REQUIRED TO ALLOW FOR AN APPROVED SPECIAL EXCEPTION TO COMPLY WITH THE REQUIREMENTS OF SUBTITLE 32, DIVISION 2: GRADING, DRAINAGE AND EROSION AND SEDIMENT CONTROL, OF THE PRINCE GEORGE'S COUNTY CODE;

(III) NEW OR ALTERNATIVE ARCHITECTURAL PLANS THAT ARE EQUAL OR SUPERIOR TO THOSE ORIGINALLY APPROVED, IN TERMS OF OVERALL SIZE AND QUALITY;

(IV) CHANGES REQUIRED BY ENGINEERING NECESSITY TO GRADING, UTILITIES, STORMWATER MANAGEMENT, OR RELATED PLAN ELEMENTS;

(V) THE REDESIGN OF PARKING OR LOADING AREAS;

(VI) THE REDESIGN OF A LANDSCAPE PLAN; OR

(VII) CHANGES TO ANY OTHER PLAN ELEMENT DETERMINED BY THE PLANNING DIRECTOR TO HAVE MINIMAL EFFECT ON THE OVERALL DESIGN, LAYOUT, QUALITY, OR INTENT OF THE APPROVED SITE PLAN.

(B) THE PLANNING DIRECTOR SHALL REVIEW AND MAKE A DECISION ON THE APPLICATION FOR MINOR CHANGE IN ACCORDANCE WITH THE REQUIRED FINDINGS, AND SECTION 26-43(C)(3)(E) BELOW.

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(C) WITH RESPECT TO THE MINOR CHANGE IDENTIFIED IN SECTION 26-43(C)(3)(II) ABOVE, THE PLANNING DIRECTOR SHALL REVIEW AND MAKE A DECISION ON THE APPLICATION FOR MINOR CHANGE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

- (I) THE CHANGES ARE THE MINIMUM NECESSARY TO CONFORM TO THE APPROVED PLANS FOR THE REQUIRED EROSION/SEDIMENT CONTROL OR STORMWATER MANAGEMENT FACILITIES;
- (II) THE CHANGES DO NOT INCLUDE THE RELOCATION OF STORMWATER MANAGEMENT FACILITIES ONTO LAND NOT PROPOSED FOR DEVELOPMENT; AND
- (III) THE AGENCY OR MUNICIPALITY HAVING JURISDICTION OVER APPROVAL OF THE EROSION/SEDIMENT CONTROL OR STORMWATER MANAGEMENT PLANS HAVE ADVISED, IN WRITING, THAT DEVELOPMENT IN ACCORDANCE WITH THE APPROVED SPECIAL EXCEPTION WOULD RESULT IN A VIOLATION OF EROSION/SEDIMENT CONTROL OR STORMWATER MANAGEMENT REGULATIONS.

(D) A COPY OF THE PLANNING DIRECTOR'S DECISION SHALL BE SENT TO ALL PERSONS OF RECORD AND THE CITY CLERK.

(D) SPECIAL EXCEPTION SUBMITTAL REQUIREMENTS

- (1) THE MINOR REVISION TO SPECIAL EXCEPTION APPLICATION SHALL BE SUBMITTED TO THE PLANNING DIRECTOR BY THE OWNER OF THE PROPERTY OR HIS AUTHORIZED REPRESENTATIVE.
- (2) THE SPECIAL EXCEPTION SITE PLANS SHALL BE PREPARED BY A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND USE PLANNER.
- (3) UPON FILING THE APPLICATION, THE APPLICANT SHALL PAY TO THE PLANNING BOARD A FEE TO HELP DEFRAY THE COSTS RELATED TO PROCESSING THE APPLICATION.
- (4) IF MORE THAN 1 DRAWING IS USED, ALL DRAWINGS SHALL BE AT THE SAME SCALE (WHERE FEASIBLE).
- (5) A SPECIAL EXCEPTION APPLICATION SHALL INCLUDE THE FOLLOWING:
 - (A) A SIGNED APPLICATION FORM, WHICH SHALL INCLUDE:

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- (I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPLICANT, AND AN INDICATION OF THE APPLICANT'S STATUS AS CONTRACT PURCHASER, AGENT, OR OWNER;
- (II) THE REQUESTED USE OF THE PROPERTY;
- (III) THE STREET ADDRESS OF THE PROPERTY; NAME OF ANY MUNICIPALITY THE PROPERTY IS IN; NAME AND NUMBER OF THE ELECTION DISTRICT THE PROPERTY IS IN;
- (IV) THE TOTAL AREA OF THE PROPERTY (IN EITHER ACRES OR SQUARE FEET);
- (V) THE PROPERTY'S LOT AND BLOCK NUMBER, SUBDIVISION NAME, AND PLAT BOOK AND PAGE NUMBER, IF ANY; OR A DESCRIPTION OF ITS ACREAGE, WITH REFERENCE TO LIBER AND FOLIO NUMBERS;
- (VI) THE NAME, ADDRESS, AND SIGNATURE OF EACH OWNER OF RECORD OF THE PROPERTY. APPLICATIONS FOR PROPERTY OWNED BY A CORPORATION MUST BE SIGNED BY THOSE OFFICERS EMPOWERED TO ACT FOR THE CORPORATION;
- (VII) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE CORRESPONDENT;
- (VIII) A STATEMENT LISTING THE NAME, AND THE BUSINESS AND RESIDENTIAL ADDRESSES, OF ALL INDIVIDUALS HAVING AT LEAST A 5 PERCENT FINANCIAL INTEREST IN THE PROPERTY OR THE CONTRACT PURCHASER(S);
- (IX) IF ANY OWNER OR CONTRACT PURCHASER(S) IS A CORPORATION, A STATEMENT LISTING THE OFFICERS OF THE CORPORATION, THEIR BUSINESS AND RESIDENTIAL ADDRESSES, AND THE DATE ON WHICH THEY ASSUMED THEIR RESPECTIVE OFFICES. THIS STATEMENT SHALL ALSO LIST THE CURRENT BOARD OF DIRECTORS, THEIR BUSINESS AND RESIDENTIAL ADDRESSES, AND THE DATES OF EACH DIRECTOR'S TERM. AN OWNER THAT IS A CORPORATION LISTED ON A NATIONAL STOCK EXCHANGE SHALL BE EXEMPT FROM THE REQUIREMENT TO PROVIDE RESIDENTIAL ADDRESSES OF ITS OFFICERS AND DIRECTORS; AND
- (X) IF THE OWNER OR CONTRACT PURCHASER(S) IS A CORPORATION (EXCEPT ONE LISTED ON A NATIONAL STOCK EXCHANGE), A

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STATEMENT CONTAINING THE NAMES AND RESIDENTIAL ADDRESSES OF THOSE INDIVIDUALS OWNING AT LEAST FIVE PERCENT (5%) OF THE SHARES OF ANY CLASS OF CORPORATE SECURITY (INCLUDING STOCKS AND SERIAL MATURITY BONDS).

(B) A VICINITY MAP; A ZONING SKETCH MAP WITH THE SUBJECT PROPERTY OUTLINED IN RED;

(C) A COPY OF THE APPLICANT'S INFORMATIONAL MAILING LETTER, LIST OF ADDRESSES, AND SIGNED AFFIDAVIT OF MAILING;

ANY REQUIRED STATE ETHICS COMMISSION AFFIDAVITS;

(D) ONE COPY OF A SITE PLAN, WHICH SHALL INCLUDE THE FOLLOWING:

(I) LOCATION MAP, NORTH ARROW, AND SCALE;

(II) A PROPERTY BOUNDARY SURVEY, USING BEARINGS AND DISTANCES (IN FEET); AND EITHER THE SUBDIVISION LOT AND BLOCK, OR LIBER AND FOLIO NUMBERS, OUTLINED IN RED;

(III) ZONING CATEGORIES OF THE SUBJECT PROPERTY AND ALL ADJACENT PROPERTIES;

(IV) LOCATIONS AND TYPES OF MAJOR IMPROVEMENTS THAT ARE WITHIN 50 FEET OF THE SUBJECT PROPERTY AND ALL LAND USES ON ADJACENT PROPERTIES;

(V) AN APPROVED NATURAL RESOURCE INVENTORY;

(VI) STREET NAMES, RIGHTS-OF-WAY, AND PAVEMENT WIDTHS OF EXISTING STREETS AND INTERCHANGES WITHIN AND ADJACENT TO THE SITE;

(VII) EXISTING RIGHTS-OF-WAY AND EASEMENTS (SUCH AS RAILROAD, UTILITY, WATER, SEWER, ACCESS, AND STORM DRAINAGE) WITHIN AND ADJACENT TO THE SITE;

(VIII) A TYPE 2 TREE CONSERVATION PLAN PREPARED IN CONFORMANCE WITH DIVISION 2 OF SUBTITLE 25 AND THE WOODLAND AND WILDLIFE HABITAT CONSERVATION TECHNICAL MANUAL, OR A STANDARD LETTER OF EXEMPTION;

(IX) A STATEMENT OF JUSTIFICATION DETAILING:

(AA) HOW THE PROPERTY CONFORMS TO THE REQUIREMENTS OF THE ZONING ORDINANCE AND SUBDIVISION

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REGULATIONS, AS APPLICABLE, INCLUDING ALL CONDITIONS OF APPROVAL IN ANY DEVELOPMENT APPROVALS AND PERMITS TO WHICH THE SPECIAL EXCEPTION IS SUBJECT;

(BB) HOW THE PROPOSED DESIGN PRESERVES AND RESTORES THE REGULATED ENVIRONMENTAL FEATURES IN A NATURAL STATE TO THE FULLEST EXTENT POSSIBLE, IN ACCORDANCE WITH THE REQUIREMENTS OF SUBTITLE 24: SUBDIVISION REGULATIONS OF THE PRINCE GEORGE'S COUNTY CODE;

(CC) HOW ANY LAND INTENDED FOR PUBLIC USE, BUT NOT PROPOSED TO BE IN PUBLIC OWNERSHIP, WILL BE HELD, OWNED, AND MAINTAINED FOR THE INDICATED PURPOSE (INCLUDING ANY PROPOSED COVENANTS OR OTHER DOCUMENTS); AND

(DD) HOW THE DEVELOPMENT PROPOSED IN THE SPECIAL EXCEPTION CAN EXIST AS A UNIT CAPABLE OF SUSTAINING AN ENVIRONMENT OF CONTINUING QUALITY AND STABILITY.

(X) AN APPROVED STORMWATER MANAGEMENT CONCEPT PLAN AND APPROVAL LETTER, AND ANY OTHER DOCUMENTATION RELATING TO ANY STORMWATER MANAGEMENT FACILITIES LOCATED OFF-SITE OF THE PROPOSED DEVELOPMENT BUT WHICH WILL SERVE THE PROPOSED DEVELOPMENT;

(XI) PROPOSED SYSTEM OF INTERNAL STREETS INCLUDING RIGHTS-OF-WAY AND PAVEMENT WIDTHS;

(XII) PROPOSED LOT LINES AND THE DIMENSIONS (INCLUDING BEARINGS AND DISTANCES, IN FEET) AND THE AREA OF EACH LOT;

(XIII) EXACT LOCATION AND SIZE OF ALL BUILDINGS, STRUCTURES, SIDEWALKS, PAVED AREAS, PARKING LOTS (INCLUDING STRIPING), AND DESIGNATION OF WASTE COLLECTION STORAGE AREAS; AND THE USE OF ALL BUILDINGS, STRUCTURES, AND LAND;

(XIV) PROPOSED GRADING, USING ONE- (1) OR TWO- (2) FOOT CONTOUR INTERVALS, AND ANY SPOT ELEVATIONS THAT ARE NECESSARY TO DESCRIBE HIGH AND LOW POINTS, STEPS, RETAINING WALL HEIGHTS, AND SWALES;

(XV) A LANDSCAPE PLAN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LANDSCAPE MANUAL SHOWING THE EXACT

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LOCATION AND DESCRIPTION OF ALL PLANTS AND OTHER LANDSCAPING MATERIALS, INCLUDING SIZE (AT TIME OF PLANTING), SPACING, BOTANICAL AND COMMON NAMES (INCLUDING DESCRIPTION OF ANY PLANTS THAT ARE NOT TYPICAL OF THE SPECIES), AND PLANTING METHOD;

(XVI) EXACT LOCATION, SIZE, TYPE, AND LAYOUT OF ALL PROPOSED RECREATION FACILITIES;

(XVII) EXACT LOCATION AND TYPE OF SUCH ACCESSORY FACILITIES AS PATHS, WALKS, WALLS, FENCES (INCLUDING WIDTHS OR HEIGHT, AS APPROPRIATE), ENTRANCE FEATURES, AND GATEWAY SIGNS;

(XVIII) ARCHITECTURAL ELEVATIONS OF FACADES FOR ALL SIDES OF ALL PROPOSED BUILDINGS, PRELIMINARY FLOOR PLANS, AND OTHER ILLUSTRATIVE DRAWINGS, PHOTOGRAPHS, OR RENDERINGS DEEMED APPROPRIATE BY THE PLANNING DIRECTOR;

(XIX) A CIRCULATION PLAN IN ACCORDANCE WITH SECTION 27-6204, CIRCULATION PLAN OR SITE PLAN REQUIRED;

(XX) A PARKING PLAN IN ACCORDANCE WITH SECTION 27-6303, PARKING PLAN OR SITE PLAN REQUIRED;

(XXI) A LIGHTING PLAN, INCLUDING A PHOTOMETRIC PLAN, IN ACCORDANCE WITH SECTION 27-6703, LIGHTING PLAN;

(XXII) ANY REQUESTED SECURITY EXEMPTION PLANS IN ACCORDANCE WITH SECTION 27-6610, SECURITY EXEMPTION PLAN AND SECTION 27-6709, SECURITY EXEMPTION PLAN;

(XXIII) A NOISE STUDY PREPARED BY A QUALIFIED PROFESSIONAL TO DEMONSTRATE COMPLIANCE WITH SECTION 27-6810, NOISE CONTROL;

(XXIV) A SIGNAGE PLAN;

(XXV) IDENTIFICATION OF ALL PROPOSED GREEN BUILDING REQUIREMENTS IN ACCORDANCE WITH SECTION 27-61603, GREEN BUILDING STANDARDS; AND

(XXVI) ANY OTHER PERTINENT INFORMATION.

(E) SPECIAL EXCEPTION PROCEDURE

SMALL CAPS: Indicate language added to the City Code.

THIS SUBSECTION IDENTIFIES ADDITIONS OR MODIFICATIONS TO THE STANDARD REVIEW PROCEDURES THAT APPLY TO DEVELOPMENT APPLICATIONS FOR A SPECIAL EXCEPTION. FIGURE 26-43 IDENTIFIES KEY STEPS IN THE MINOR REVISION TO SPECIAL EXCEPTIONS PROCEDURE.

FIGURE 26-43: SPECIAL EXCEPTION PROCEDURE (ILLUSTRATIVE)		
26-20	PRE-APPLICATION CONFERENCE	REQUIRED
26-21	PRE-APPLICATION NEIGHBORHOOD MEETING	REQUIRED
26-22	APPLICATION SUBMITTAL	TO PLANNING DIRECTOR, CONCEPT PLAN REQUIRED
26-23	DETERMINATION OF COMPLETENESS	PLANNING DIRECTOR MAKES DETERMINATION
26-43 (E)(5)	STAFF REVIEW AND ACTION	PLANNING DIRECTOR PREPARES STAFF REPORT
26-43 (E)(6)	SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE	ADVISORY PLANNING BOARD SCHEDULES HEARING, PROVIDES NOTICE
26-43 (E)(7)	REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICER	ADVISORY PLANNING BOARD HOLDS PUBLIC HEARING, MAKES DECISION (CONDITIONS ALLOWED)
26-43 (E)(9)	NOTIFICATION	PLANNING DIRECTOR NOTIFIES
26-43 (E)(10)	APPEAL	OPTIONAL (TO CITY COUNCIL)
	ELECTION	OPTIONAL. CITY COUNCIL MAY ELECT TO REVIEW ADVISORY PLANNING BOARD'S DECISION

(1) PRE-APPLICATION CONFERENCE

SEE SECTION 26-20 PRE-APPLICATION CONFERENCE.

(2) PRE-APPLICATION NEIGHBORHOOD MEETING

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SEE SECTION 26-21, PRE-APPLICATION NEIGHBORHOOD MEETING.

(3) APPLICATION SUBMITTAL

SEE SECTION 26-22, APPLICATION SUBMITTAL AND SECTION 26-43.D, SPECIAL EXCEPTION SUBMITTAL REQUIREMENTS. IN ADDITION, THE APPLICATION SHALL INCLUDE A SITE PLAN OF THE PROPOSED SPECIAL EXCEPTION.

(4) DETERMINATION OF COMPLETENESS

SEE SECTION 26-23, DETERMINATION OF COMPLETENESS.

(5) STAFF REVIEW AND ACTION

(A) AT LEAST THIRTY (30) DAYS PRIOR TO THE PUBLIC HEARING, THE ORIGINAL COPY OF THE APPLICATION, PLANS, MAPS, SPECIFICATIONS, STAFF REPORT, AND ALL OTHER DATA, MATERIALS, OR RECORD EVIDENCE (TO DATE) PERTAINING TO THE REQUESTED SPECIAL EXCEPTION SHALL BE SENT BY THE PLANNING DIRECTOR TO THE ADVISORY PLANNING BOARD.

(B) THE ORIGINAL APPLICATION FOR SPECIAL EXCEPTION, ALONG WITH ANY SUPPORT MATERIALS AND THE STAFF REPORT, SHALL BE MADE AVAILABLE FOR PUBLIC REVIEW AND COPYING AT LEAST 30 DAYS PRIOR TO THE PUBLIC HEARING.

(6) SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE

(A) THE PLANNING DIRECTOR SHALL ESTABLISH THE DATE OF THE PUBLIC HEARING AND SEND THE REQUIRED PUBLIC NOTICE.

(B) REQUEST TO DELAY HEARING

(i) SHOULD THE ADVISORY PLANNING BOARD DETERMINE THAT IT IS IN THE PUBLIC INTEREST TO DELAY THE HEARING DATE ESTABLISHED BY THE PLANNING DIRECTOR, THE ADVISORY PLANNING BOARD MAY APPROVE THE DELAY AND NOTIFY THE APPLICANT AND PERSONS OF RECORD OF THE RE-DESIGNATED HEARING DATE.

(ii) THE APPLICANT OR ANY PERSON OF RECORD MAY REQUEST THE CONTINUANCE OF A HEARING UNDER THIS SECTION. THE ADVISORY PLANNING BOARD SHALL GRANT A CONTINUANCE IF A REQUIRED STAFF REPORT HAS NOT BEEN FILED AT LEAST THIRTY (30) DAYS BEFORE THE SCHEDULED HEARING. IF A CONTINUANCE IS GRANTED FOR THIS REASON, THE ADVISORY PLANNING BOARD MAY NOT HEAR

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THE CASE UNTIL AT LEAST THIRTY (30) DAYS AFTER THE STAFF
REPORT HAS BEEN FILED.

(7) REVIEW AND DECISION BY ADVISORY PLANNING BOARD OR PLANNING
DIRECTOR

AFTER THE RECEIPT OF THE STAFF REPORT, THE ADVISORY PLANNING
BOARD OR PLANNING DIRECTOR SHALL PROVIDE NOTICE, SCHEDULE, AND
CONDUCT AN EVIDENTIARY HEARING ON THE APPLICATION AND MAKE A
DECISION IN ACCORDANCE WITH THE REQUIRED FINDINGS. THE DECISION
SHALL BE IN WRITING AND SHALL INCLUDE WRITTEN FINDINGS OF MATERIAL
FACTS AND CONCLUSIONS THAT SUPPORT ONE OF THE FOLLOWING
DECISIONS:

(A) APPROVE THE APPLICATION AS SUBMITTED;

(B) APPROVE THE APPLICATION SUBJECT TO CONDITIONS OF APPROVAL;
OR

(C) DISAPPROVE THE APPLICATION.

(8) CONDITIONS OF APPROVAL

ALLOWED (SEE SECTION 26-31, CONDITIONS OF APPROVAL).

(9) NOTIFICATION

SEE SECTION 26-32, NOTIFICATION.

(10) APPEAL AND ELECTION

(A) THE CITY COUNCIL SHALL HOLD A PUBLIC HEARING IN ACCORDANCE
WITH SECTION 27-3414, ORAL ARGUMENT HEARING, WITHIN 70 DAYS
AFTER THE ADVISORY PLANNING BOARD TRANSMITS THE HEARING
RECORD. THE CITY COUNCIL MAY EXTEND THE TIME TO HOLD A HEARING
FOR UP TO 45 ADDITIONAL DAYS, ON ITS OWN MOTION, OR ON REQUEST OF
THE APPELLANT OR A PARTY OF RECORD.

(B) WITHIN 60 DAYS AFTER THE CLOSE OF THE HEARING, THE CITY
COUNCIL SHALL RENDER A FINAL DECISION.

(C) IF THE CITY COUNCIL FAILS TO ACT WITHIN THE SPECIFIED TIME, THE
ADVISORY PLANNING BOARD'S DECISION IS AUTOMATICALLY AFFIRMED.

(D) IF THE DECISION IS REVIEWED IN ACCORDANCE WITH SUBSECTION 26-43(E)(10)(B), ABOVE, APPROVAL OF THE SPECIAL EXCEPTION SHALL REQUIRE A TWO-THIRDS MAJORITY VOTE OF THE FULL COUNCIL.

(E) THE CITY COUNCIL MAY REMAND THE MATTER TO THE ADVISORY PLANNING BOARD, ONCE, IN ACCORDANCE WITH STATE LAW.

(F) THE CITY COUNCIL SHALL PROVIDE ITS DECISION IN WRITING, STATING THE REASONS FOR ITS ACTION. COPIES OF THE DECISION SHALL BE SENT TO ALL PERSONS OF RECORD AND THE ADVISORY PLANNING BOARD.

(11) POST-DECISION ACTIONS

(A) EFFECT

NO USE APPROVED AS A SPECIAL EXCEPTION IN ACCORDANCE WITH THIS SUBSECTION, AND NO BUILDING OR STRUCTURE USED IN CONNECTION WITH AN APPROVED SPECIAL EXCEPTION USE, SHALL BE ERECTED, ENLARGED, ALTERED, OR EXTENDED BEYOND THE TERMS AND CONDITIONS AUTHORIZED IN THE SPECIAL EXCEPTION APPROVAL, UNLESS PROVIDED FOR IN THIS SECTION.

(B) RECONSIDERATION OF FINAL DECISION

(I) ONCE A FINAL DECISION ON A MINOR REVISION TO A SPECIAL EXCEPTION APPLICATION HAS BEEN MADE, THE DECISION MAY BE RECONSIDERED UPON REQUEST FILED BY EITHER THE APPLICANT OR OTHER PERSON OF RECORD WITHIN THIRTY (30) DAYS OF THE FINAL DECISION, IF, BASED ON THE WRITTEN REQUEST, WHOMEVER MADE THE FINAL DECISION (THE ADVISORY PLANNING BOARD OR CITY COUNCIL) FINDS THAT THERE MAY HAVE BEEN AN ERROR IN REACHING THE FINAL DECISION THAT WAS CAUSED BY FRAUD, SURPRISE, MISTAKE, OR INADVERTENCE. THE PERSON OF RECORD FILING THE REQUEST FOR RECONSIDERATION OF A SPECIAL EXCEPTION DECISION SHALL, UPON FILING THE REQUEST, SEND A COPY TO ALL OTHER PERSONS OF RECORD.

(II) PRIOR TO RECONSIDERING A DECISION, A PUBLIC HEARING SHALL BE HELD ON THE MATTER BY WHOMEVER MADE THE FINAL DECISION.

(AA) IF THE CITY COUNCIL DETERMINES THERE MAY BE GROUNDS FOR RECONSIDERATION OF THEIR FINAL DECISION,

THE CITY CLERK SHALL SCHEDULE AN EVIDENTIARY HEARING ON THE REQUEST.

(I) AFTER HEARING, THE CITY COUNCIL SHALL FIRST VOTE TO RECONSIDER THEIR FINAL DECISION AND, IF AN AFFIRMATIVE MOTION IS ADOPTED, VOTE ON A NEW DECISION.

(BB) IF THE ADVISORY PLANNING BOARD DETERMINES THERE MAY BE GROUNDS FOR RECONSIDERATION OF A DECISION, THE ADVISORY PLANNING BOARD SHALL CONDUCT A PUBLIC HEARING IN ACCORDANCE WITH SECTION 26-43(E)(6), SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE.

(II) AFTER THE CLOSE OF THE HEARING RECORD, THE ADVISORY PLANNING BOARD SHALL FILE A WRITTEN RECOMMENDATION WITH THE CITY COUNCIL.

(III) ANY PERSON OF RECORD MAY APPEAL THE RECOMMENDATION OF THE ADVISORY PLANNING BOARD WITHIN FIFTEEN (15) DAYS OF THE FILING OF THE ADVISORY PLANNING BOARD'S DECISION WITH THE CITY COUNCIL. IF APPEALED, ALL PERSONS OF RECORD MAY TESTIFY BEFORE THE CITY COUNCIL. PERSONS ARGUING SHALL ADHERE TO THE CITY COUNCIL'S RULES OF PROCEDURE, AND ARGUMENT SHALL BE LIMITED TO THIRTY (30) MINUTES FOR EACH SIDE, AND TO THE RECORD OF THE HEARING.

(F) REQUIRED FINDINGS

(1) A MINOR REVISION TO A SPECIAL EXCEPTION MAY ONLY BE APPROVED IF:

(A) THE PROPOSED USE AND SITE PLAN ARE IN HARMONY WITH THE PURPOSE OF THE COUNTY ZONING ORDINANCE;

(B) THE PROPOSED USE IS IN CONFORMANCE WITH ALL THE APPLICABLE REQUIREMENTS AND REGULATIONS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE;

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(C) THE PROPOSED USE SHALL BE CONSISTENT WITH OF THE APPLICABLE AREA MASTER PLAN, SECTOR PLAN, OR FUNCTIONAL MASTER PLAN FOR THE SUBJECT PROPERTY AND ITS SURROUNDING AREA;

(D) THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE HEALTH, SAFETY, OR WELFARE OF RESIDENTS OR WORKERS IN THE AREA;

(E) THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE USE OR DEVELOPMENT OF ADJACENT PROPERTIES OR THE GENERAL NEIGHBORHOOD; AND

(F) THE PROPOSED SITE PLAN IS IN CONFORMANCE WITH AN APPROVED TYPE 2 TREE CONSERVATION PLAN; AND

(G) THE PROPOSED SITE PLAN DEMONSTRATES THE PRESERVATION AND/OR RESTORATION OF THE REGULATED ENVIRONMENTAL FEATURES IN A NATURAL STATE TO THE FULLEST EXTENT POSSIBLE IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY SUBDIVISION REGULATIONS.

(G) CHANGES TO APPROVED SPECIAL EXCEPTIONS: IN GENERAL

(A) NO USE ALLOWED AS A SPECIAL EXCEPTION, AND NO BUILDING OR STRUCTURE USED IN CONNECTION WITH THAT USE, SHALL BE ERECTED, ENLARGED, ALTERED, OR EXTENDED BEYOND THE LIMITS AUTHORIZED IN THE APPROVAL OF THE SPECIAL EXCEPTION, UNLESS PROVIDED FOR IN THIS SECTION.

(B) IF A USE OTHER THAN ONE ALLOWED BY SPECIAL EXCEPTION IS PROPOSED FOR PROPERTY ON WHICH THERE IS AN EXISTING APPROVED SPECIAL EXCEPTION USE, AND IF THE OTHER USE INVOLVES ANY CHANGES TO IMPROVEMENTS SHOWN ON THE APPROVED SITE PLAN FOR THE SPECIAL EXCEPTION USE, THE SITE PLAN MUST STILL BE REVISED IN ACCORDANCE WITH THIS SECTION IN ORDER FOR THE SPECIAL EXCEPTION USE TO CONTINUE.

(C) CHANGES TO APPROVED SPECIAL EXCEPTIONS SOLELY TO ADD ONE OR MORE ELECTRIC VEHICLE CHARGING STATIONS SHALL NOT REQUIRE THE FILING AND APPROVAL OF NEW APPLICATIONS AND MAY BE REVIEWED AND APPROVED BY THE PLANNING DIRECTOR. FOLLOWING APPROVAL BY THE PLANNING DIRECTOR, THE APPLICANT SHALL SUBMIT A COPY OF THE REVISED SPECIAL EXCEPTION SITE PLAN TO THE DEPARTMENT OF PLANNING AND SUSTAINABILITY FOR INCLUSION IN THE RECORD.

(H) CHANGES TO APPROVED SPECIAL EXCEPTIONS: ALTERATIONS, ENLARGEMENTS, EXTENSIONS, AND REVISIONS

SMALL CAPS: Indicate language added to the City Code.

(A) ALL ALTERATIONS, ENLARGEMENTS, EXTENSIONS OR REVISIONS OF SPECIAL EXCEPTION USES (INCLUDING ENLARGEMENTS IN LAND AREA AND AREA OF IMPROVEMENTS, REVISIONS OF A SITE PLAN AND IN THE CONFIGURATION OF LAND AREA, AND EXTENSIONS OF TIME) SHALL REQUIRE THE FILING AND APPROVAL OF A NEW APPLICATION FOR THE APPLICABLE SPECIAL EXCEPTION USE, EXCEPT AS SPECIFICALLY PROVIDED FOR IN THIS SECTION.

(B) THE NEW APPLICATION SHALL INCLUDE THE ENTIRE LAND AREA COVERED BY THE ORIGINAL APPLICATION, UNLESS THE NEW APPLICATION IS ONLY FOR THE PURPOSE OF ADDING LAND NOT COVERED BY THE ORIGINAL APPLICATION. IN THIS CASE, THE NEW APPLICATION MAY INCLUDE ONLY THE LAND AREA BEING ADDED, PROVIDED THAT THE APPLICATION FULLY DEMONSTRATES THE RELATIONSHIP OF DEVELOPMENT SHOWN ON BOTH THE NEW AND ORIGINALLY APPROVED SITE PLANS.

SUBDIVISION 6. SECURITY EXEMPTION PLANS FOR FENCES AND WALLS

SEC. 26-44. 6610. SECURITY EXEMPTION PLANS FOR FENCES AND WALLS.

(A) A LANDOWNER IN NEED OF HEIGHTENED SECURITY MAY SUBMIT TO THE PLANNING DIRECTOR A SECURITY EXEMPTION PLAN PROPOSING A FENCE OR WALL TALLER THAN THOSE PERMITTED BY THIS SECTION, AN ELECTRIC FENCE, OR PROPOSING THE USE OF BARBED AND/OR RAZOR WIRE ATOP A FENCE OR WALL FOR SECURITY REASONS.

(B) THE PLANNING DIRECTOR MAY APPROVE OR APPROVE WITH CONDITIONS, THE SECURITY EXEMPTION PLAN, UPON FINDING ALL OF THE FOLLOWING:

(1) NEED FOR SAFETY OR SECURITY REASONS

THE CONDITION, LOCATION, OR USE OF THE LAND, OR THE HISTORY OF ACTIVITY IN THE AREA, INDICATES THE LAND OR ANY MATERIALS STORED OR USED ON IT ARE IN SIGNIFICANTLY GREATER DANGER OF THEFT OR DAMAGE THAN SURROUNDING LAND, OR REPRESENT A SIGNIFICANT HAZARD TO PUBLIC SAFETY WITHOUT:

(A) A TALLER FENCE OR WALL;

(B) AN ELECTRIC FENCE; OR

(C) USE OF BARBED AND/OR RAZOR WIRE ATOP A FENCE OR WALL.

(2) NO ADVERSE EFFECT

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THE PROPOSED FENCE OR WALL WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE SECURITY, FUNCTIONING, APPEARANCE, OR VALUE OF ADJACENT LANDS OR THE SURROUNDING AREA AS A WHOLE.

(C) IF THE PLANNING DIRECTOR FINDS THE APPLICANT FAILS TO DEMONSTRATE COMPLIANCE WITH SECTIONS 26-44(B)(1) AND (B)(2) ABOVE, THE SECURITY PLAN SHALL BE DISAPPROVED.

(D) A PERSON AGGRIEVED BY THE DECISION OF THE PLANNING DIRECTOR MAY APPEAL THE PLANNING DIRECTOR'S DETERMINATION TO THE BOWIE ADVISORY PLANNING BOARD.

Section 2: BE IT FURTHER ORDAINED that prior to the adoption of this Ordinance, the Bowie City Council conducted a duly advertised public hearing on the ____ day of _____, 2025, as required by Sec. 27-3308(b)(3) of the Prince George's County Zoning Ordinance; and

Section 3: BE IT FURTHER ORDAINED that after the enactment of this Ordinance, the Ordinance shall be forwarded to the Prince George's County Council Sitting as the District Council ("District Council") for approval in accordance with Prince George's County Code, Subtitle 27 Zoning Ordinance, Part 27-3 Administration, Sec. 27-3308 Municipalities.

Section 4: BE IT FURTHER ORDAINED that, this Ordinance shall become effective upon its approval by the District Council, which shall be at least thirty (30) days after its enactment by the Council of the City of Bowie, Maryland, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in the newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland, at a Regular Meeting on _____, 2025.

PASSED by the Council of the City of Bowie, Maryland, at a Regular Meeting on _____, 2025.

SMALL CAPS: Indicate language added to the City Code.

Awilda Hernandez
City Clerk

Timothy J. Adams, Mayor

Approved as to Form and Legal Sufficiency:

Elissa D. Levan, City Attorney

SMALL CAPS: Indicate language added to the City Code.



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: An Ordinance Approving Supplemental Appropriations for the Annual Budget for Fiscal Year 2025 - Ordinance O-2-25

DATE: 01/16/2025

Ordinance O-2-25 proposes to amend the City's Fiscal Year 2025 Annual Budget to provide additional appropriations for the following purposes:

The Solid Waste Department is requesting a supplemental ordinance to appropriate funding to bulk trash collection and disposal companies to collect bulk trash items from inside various condominium premises within the City. The dollar amount requested is \$185,000.

Vehicle #216 was damaged by fire; the replacement Street Sweeper will cost \$389,000 (\$75,900 is currently reserved for its replacement.) Therefore, it is requested that an additional amount of \$313,100 be appropriated from the General Fund balance for this street sweeper to make the FY2025 total \$389,000. The insurance recovery for the vehicle was \$216,106.

The City will resurface additional streets in FY2025. \$590,000 is requested to fund additional street repair.

The total impact on the General Fund balance is \$1,088,100 which will be offset by the insurance recovery of \$216,106 from vehicle #216.

The Department of Community Services recommends awarding the Parks and Grounds Annex Agricultural Building project to Warner Construction. The City received only one bid; however, the company has extensive experience with pole and PEMB structures. The City is pursuing their pole building alternate pricing at \$283,200. This price is \$8,200 over the adopted budget for the project and will require an amendment to the budget.

The bids received for the construction of the driving range renovation exceeded the \$5,400,000 appropriated in the FY2025 Budget. Staff is requesting an additional \$143,000 to award the contract and pay for outstanding permit fees for the Golf Course.

The Low lift pumping station rehabilitation project for the Water Division has additional services requested by the City that were not budgeted in FY2025. \$41,500 is requested to complete the design project. Note: it was budgeted and approved in FY2024 but not completed.

The bids received for the construction of the filter replacement project exceeded the \$1,986,000 appropriated in the FY2025 Budget. Staff is requesting an additional \$286,000 to award the contract and pay for engineering and construction services for the Water Treatment Plant.

General Fund					
<u>Revenues</u>					
01	48005	Appropriated Fund Balance		\$	1,088,100
			Total Revenues	\$	1,088,100
<u>Expenditure Appropriation</u>					
01330	51210	Disposal Fees		\$	185,000
01920	59015	Equipment Acquisition and Replacement Fund			313,100
01340	51250	Street Resurfacing			590,000
			Total Appropriations	\$	1,088,100
Equipment Acquisition and Replacement Fund					
<u>Revenues</u>					
03	48005	Appropriated Fund Balance		\$	75,900
03	49010	Transfer From General Fund			313,100
			Total Revenues	\$	389,000
<u>Expenditure Appropriation</u>					
03301	57020	Public Works - Machinery and Equipment		\$	389,000
			Total Appropriations	\$	389,000
Capital Projects Fund					
<u>Revenues</u>					
10	48005	Appropriated Fund Balance		\$	151,200
			Total Revenues	\$	151,200
<u>Expenditure Appropriation</u>					
10538	57015	Parks & Grounds Improvements Other Than Buildings		\$	8,200
10545	57015	23021 Bowie Golf Course Improvements Other Than Buildings			143,000
			Total Appropriations	\$	151,200
Water and Sewer Fund					
<u>Revenues</u>					
20	48015	Appropriated Retained Earnings		\$	327,500
			Total Revenues	\$	327,500
<u>Expenditure Appropriation</u>					
20350	57015	21018 Improvements Other Than Buildings - Lift Pump		\$	41,500
20350	57015	23022 Improvements Other Than Buildings - Filter			286,000
			Total Appropriations	\$	327,500

Council's approval of Ordinance O-2-25 providing supplemental appropriations for the annual budget for the fiscal year ending June 30, 2025 is requested.

ATTACHMENTS: 1. 20250121 - Ordinance O-2-25

ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING THE ADOPTED BUDGET FOR THE FISCAL YEAR
BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025, AS
EMBODIED IN ORDINANCE O-4-24 AND AMENDED BY
ORDINANCE O-7-24, TO APPROPRIATE FUNDS FOR THE
FOLLOWING PROJECTS: \$185,000 FOR ADDITIONAL BULK
TRASH COLLECTION, \$389,000 FOR FUNDING FOR A
REPLACEMENT STREET SWEEPER, \$590,000 FOR STREET
RESURFACING, \$8,200 FOR THE PARKS AND GROUNDS
AGRICULTURAL BUILDING, \$143,000 FOR THE DRIVING RANGE
REHABILITATION, \$41,500 FOR LOWLIFT PUMP STATION
REHABILITATION AND \$286,000 FOR THE WATER TREATMENT
PLANT FILTER SYSTEM REPLACEMENT

WHEREAS, as required by the Local Government Article of the Annotated Code of Maryland and the Charter of the City of Bowie, the City Council of the City of Bowie, Maryland (hereinafter, “the City”) adopted Ordinance No. O-4-24 to appropriate funds for the several objects and purposes for which the City intended to provide for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025; and

WHEREAS, in accordance with Section 45 of the City Charter, no public money may be expended without having been appropriated by the City Council; and

WHEREAS, supplemental appropriations are necessary to reflect additional expenditures that were not included in Ordinances O-4-24 and amended by O-7-24; and

WHEREAS, it has become necessary to appropriate additional funding to increase the appropriation for the General Fund, Equipment Acquisition Fund, Capital Projects Fund and Water and Sewer Fund; and

WHEREAS, an additional appropriation of \$185,000 for additional Bulk Trash Collection through the Solid Waste Department, a total of \$389,000 to replace a street sweeper truck (#216) that caught fire, \$590,00,00 for street resurfacing, \$8,200 for the Parks and

Grounds Agricultural Building, \$143,000 for the driving range renovation, \$41,500 for the final design of the Low Lift Pump Station Rehabilitation and \$286,000 for the filter system replacement project at the Water Treatment Plant; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't Article, § 5-205, the City may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated at the time of the annual levy if approved by a two-thirds vote of all the individuals elected to the Council; and

WHEREAS, City Charter, Sec. 12 "Procedure for enacting ordinances" requires that ordinances become effective at the expiration of thirty (30) calendar days following their passage by the Council.

Section 1: NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, that the Budget for the Fiscal Year beginning July 1, 2024, ending June 30, 2025, as adopted by Ordinance O-4-24 and amended by O-7-24; is further amended as follows:

GENERAL FUND

ESTIMATED REVENUES

Appropriated Fund Balance	[\$18,673,600]	\$ 19,761,700
TOTAL REVENUES	[\$84,006,000]	\$ 85,094,100

APPROPRIATION BY ACTIVITY

Public Works -Solid Waste	[\$ 8,776,100]	\$ 8,961,100
Nondepartmental- Equipment		
Acquisition And Replacement Fund	[2,064,300]	2,377,400
Public Works -Streets Resurfacing	[9,373,900]	9,963,900
TOTAL APPROPRIATIONS	[\$84,006,000]	\$ 85,094,100

Asterisks * * *
[Brackets]

: Indicate matter retained in existing law but omitted herein
: [Indicate matter deleted from existing law]

EQUIPMENT ACQUISITION AND REPLACEMENT FUND**ESTIMATED REVENUES**

Appropriated Fund Balance	[\$2,766,200]	\$ 2,842,100
Transfer from General Fund	[2,064,300]	2,377,400
TOTAL REVENUES	[\$5,305,600]	\$ 5,694,600

APPROPRIATIONS

Public Works	[\$1,335,300]	\$ 1,724,300
TOTAL APPROPRIATIONS	[\$5,305,600]	\$ 5,694,600

CAPITAL IMPROVEMENT FUND**ESTIMATED REVENUES**

Appropriated Fund Balance	[\$6,568,800]	\$ 6,720,000
TOTAL REVENUES	[\$46,715,000]	\$ 46,866,200

APPROPRIATIONS

Parks & Grounds Annex	[275,000]	\$ 283,200
Bowie Golf Course	[5,460,000]	5,603,000
TOTAL APPROPRIATIONS	[\$46,715,000]	\$ 46,866,200

WATER AND SEWER FUND**ESTIMATED REVENUES**

Appropriated Retained Earnings	[\$1,651,300]	\$ 1,978,800
TOTAL REVENUES	[\$17,540,000]	\$ 17,867,500

APPROPRIATIONS

Water Division	[\$8,689,800]	\$ 9,017,300
TOTAL APPROPRIATIONS	[\$17,540,000]	\$ 17,867,500

Asterisks * * *
[Brackets]

: Indicate matter retained in existing law but omitted herein
: [Indicate matter deleted from existing law]

Section 2: BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF BOWIE, that, this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, provided that it is adopted by a 2/3 vote of the members of the City Council and further provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland, at a Regular Meeting on _____, 2025.

PASSED by the Council of the City of Bowie, Maryland, at a Regular Meeting on _____, 2025.

ATTEST:

CITY OF BOWIE, MARYLAND

Awilda Hernandez, MMC
City Clerk

Timothy J. Adams
Mayor

**Approved as to Form and
Legal Sufficiency:**

Elissa D. Levan
City Attorney



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Budget Guidance for FY 2026

DATE: 01/16/2025

The Finance Department will provide trend information and major themes to City Council for the upcoming FY 2026 Budget process.

ATTACHMENTS: 1. 20250121 - Council Budget Guidance FY2026

Council Budget Guidance FY 2026

CITY OF BOWIE

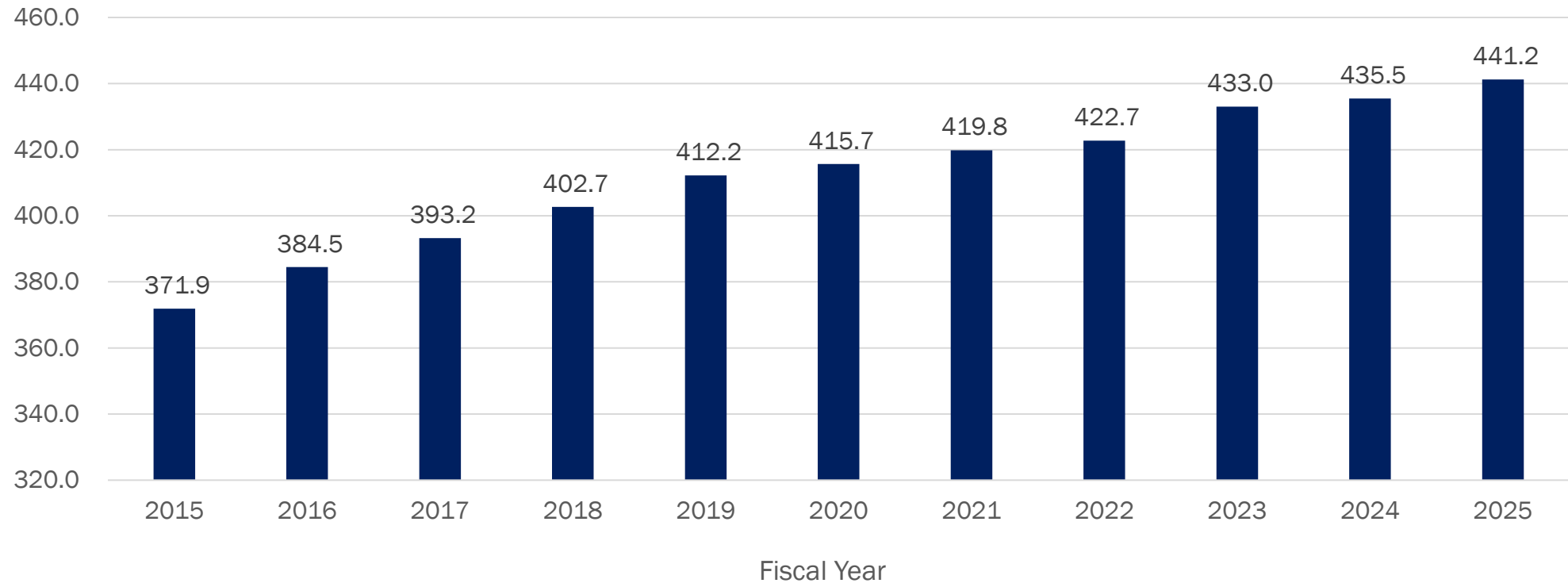
January 21, 2025

City's Success

- Exceeded fund balance policy of 25 percent of expenditures
- In FY2024 the General Balance increased by \$1,890,637 (unaudited)
- Triple A Rating
- Constant Tax Rate over the last 14 years
- Robust core services
- Development of South Lake, Melford, and Mill Branch Crossing

Total Personnel

Authorized Full Time Equivalent (FTEs) - Budget Basis
Last Ten Years

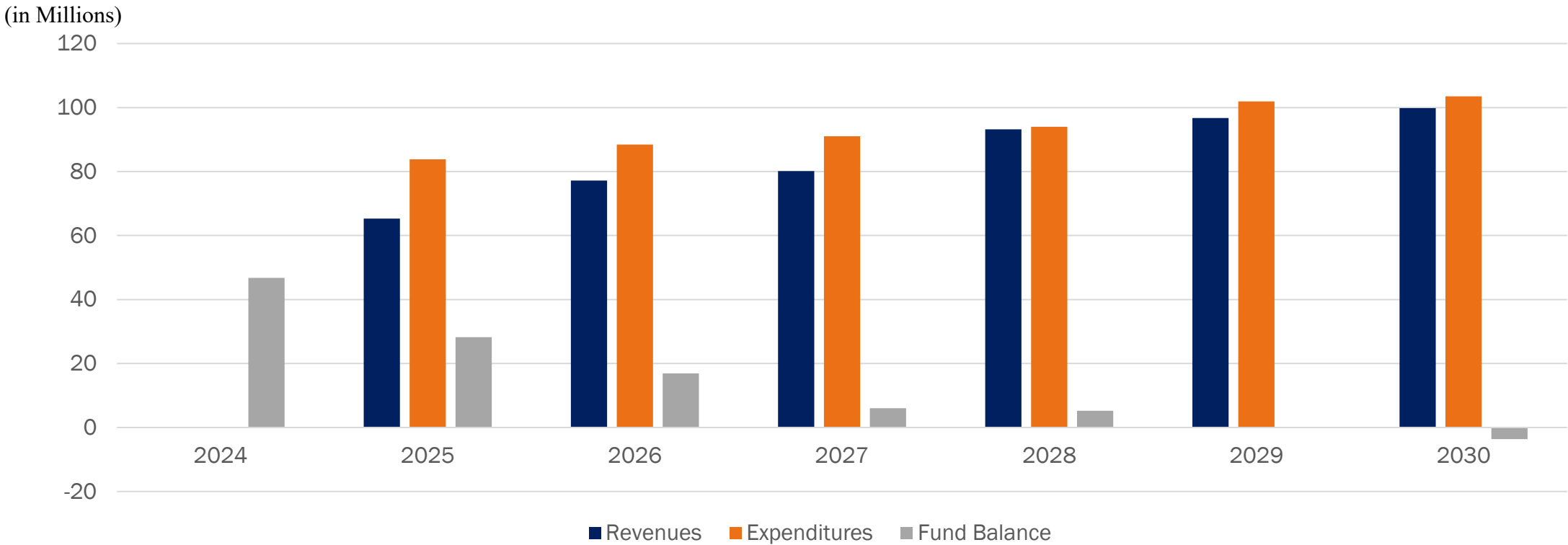


Total Personnel Services Cost

Last Ten Years



Current Trend General Fund Revenue, Expenditures and Fund Balance – With Proposed Tax Increases FY2025 – FY2030



*No Real Property Tax increase for 14 years

Source: FY2025 Adopted Budget

Council / Management Responsibility

Balance Budget - The budget must be balanced, meaning the total of the anticipated revenues, including fund balance carried over from previous years, must equal or exceed the total of the proposed expenditures.



Meeting Purpose

- Establish a framework for FY2026 Budget
- Set budget priorities and parameters
- Emphasize importance of using the CIP as a strategic financing and project planning tool
- Consideration of long-term recurring operating costs when adding new Capital Projects
- Consideration of debt affordability
- Reevaluate the current property tax rate



Budget Framework



Re-affirm Core Services.



Establish the Property Tax Rate for FY2026.



Examine the need for new Capital Projects.



Examine the funding strategy for Capital Projects Fund and Equipment Acquisition and Replacement Fund.

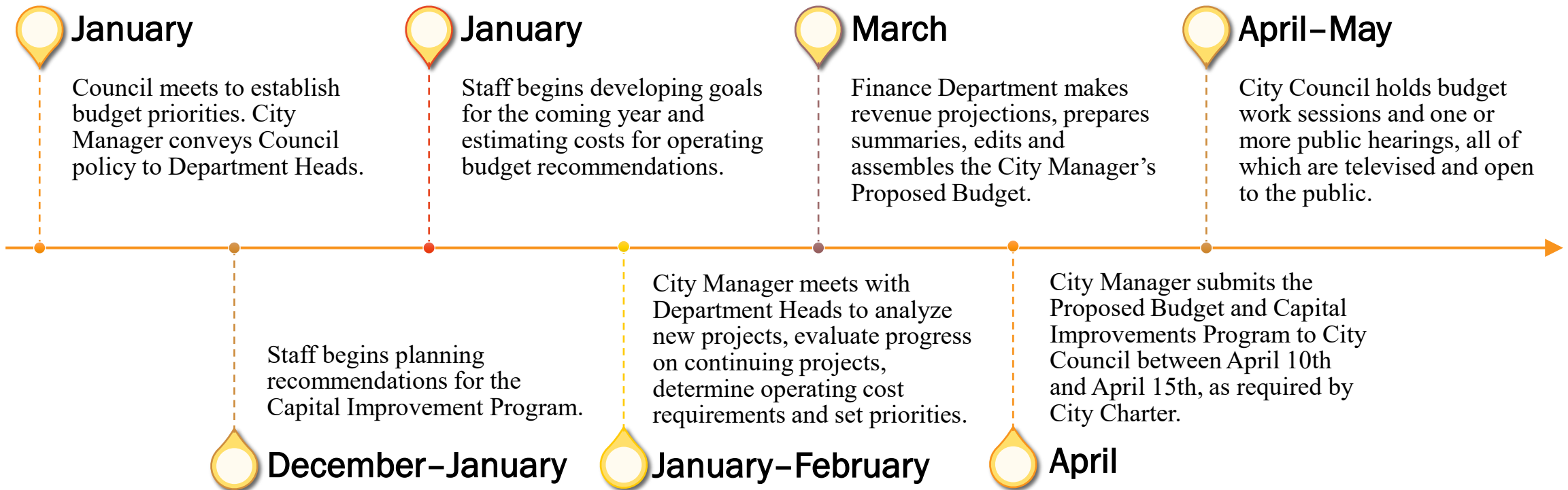


Establish new Water and Sewer Rates.

Current Threats

- Human Capital
- Supply Chain
- Inflation Cost
- Declining Intergovernmental Revenues

Budget Development Schedule



FISCAL POLICIES

Fiscal Policies

- Capital Financing
- Debt Management
- Fund Balance
- Revenues and Expenditures
- Capital Projects



The City will not use long-term borrowing to finance current operations or normal maintenance expenses.



City will maintain a high reliance on pay-as-you-go financing for its capital improvements.



Issue debt for major projects included in the Capital Project Program.

Capital Financing

Debt Management



All debt issued will be repaid within a period not to exceed the expected useful life of the improvements financed by debt.



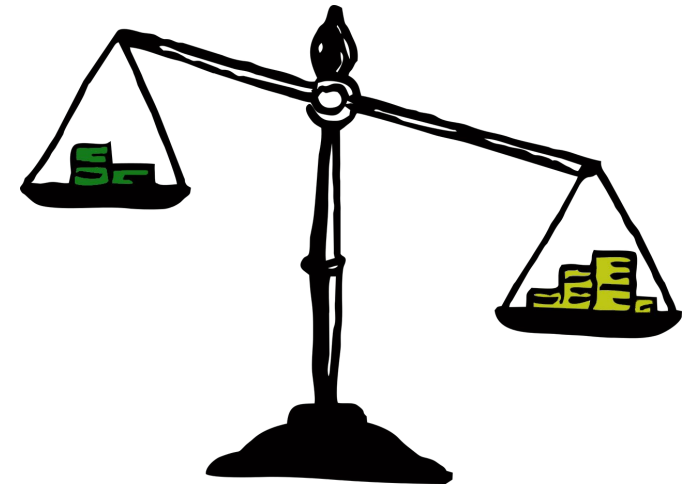
The City will maintain its tax-supported bonded debt at a level not to exceed 0.8 percent of the assessed valuation of taxable property within the City.



The ratio of debt service expenditures as a percent of General Fund revenues shall not exceed 10 percent.

Fund Balance

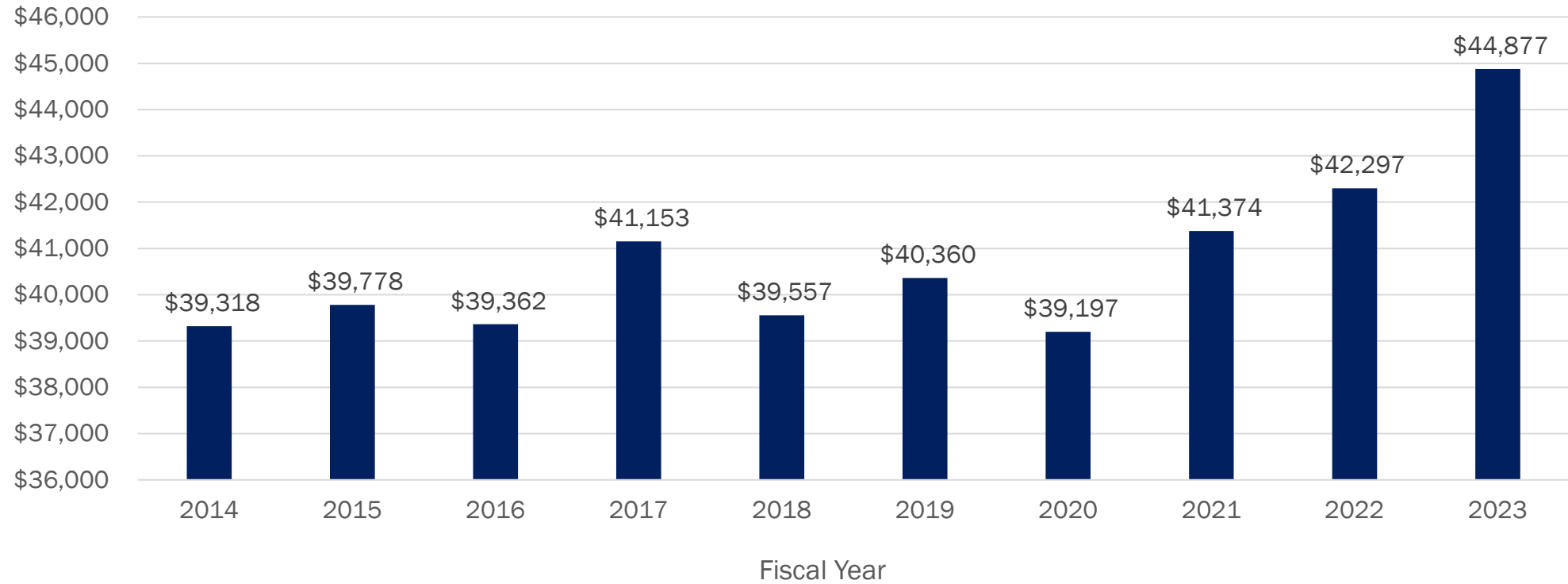
- The City will maintain a fund balance in the General Fund and the Water and Sewer Fund at a level not less than 25 percent of annual expenditures.
- To the extent that fund balance in the General Fund exceeds the 25 percent level, the City will draw upon the fund balance to provide pay-as-you-go financing for capital projects or for other one-time capital items.



General Fund Balance

Last Ten Years

(in Millions)



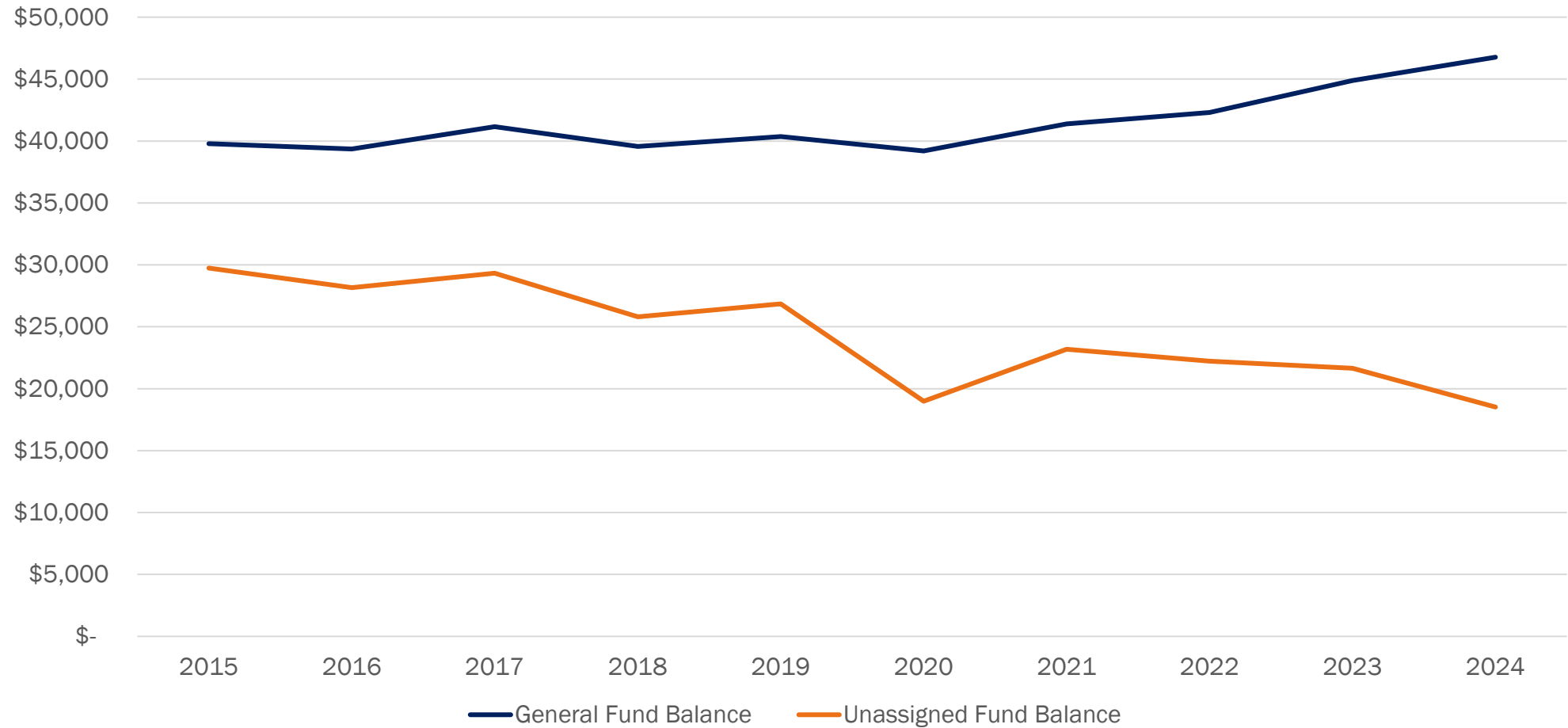
Unassigned Fund Balance

Last Ten Years



General Fund Balance VS. Unassigned Fund Balance

(in thousands)



Fund Balance Policy

The City council adopted a policy to maintain the General Fund's fund balance at a level no lower than 25 percent of expenditures.

FY2024 General Fund Expenditures totaled \$63,804,810

FY2024 Ending Fund Balance totaled \$46,767,961

FY2024 Fund Balance percentage of expenditures were 73 percent.

* Unaudited

Revenue and Expenditures

The City will strive to adopt an annual General Fund budget in which recurring expenditures do not exceed recurring revenues.

A five-year projection of revenues and expenditures for the General and Water and Sewer Fund will be prepared each fiscal year to provide a long-range, strategic perspective for the annual budget process.

On an annual basis the City will set rates for the Water and Sewer Fund at levels which provide for self-sufficiency.

One-time nonrecurring revenues shall be used for financing capital projects. Examples of one-time revenues include, but are not limited to: proceeds from the sale of surplus property, capital grants and other infrequent, nonrecurring revenues.

The use of one-time revenues for financing ongoing operating expenditures is strongly discouraged.

Capital Project Hierarchy

Capital projects will be approved in the following order:

Mandates from Federal, State, and County governments.



Improvements to City amenities that promote health and wellness.



Restoration of aging infrastructure and buildings.



New Projects.

Capital Project Spending

➤ Set Priorities

- *EPA – Chesapeake Bay*
- *Special Taxing Districts*
- *Water/Sewer Pipe Recapitalization*
- *Facilities Preventive Maintenance*
- *Ice Arena/Basketball Courts/Golf Course*
- *Set Moratorium on new projects*

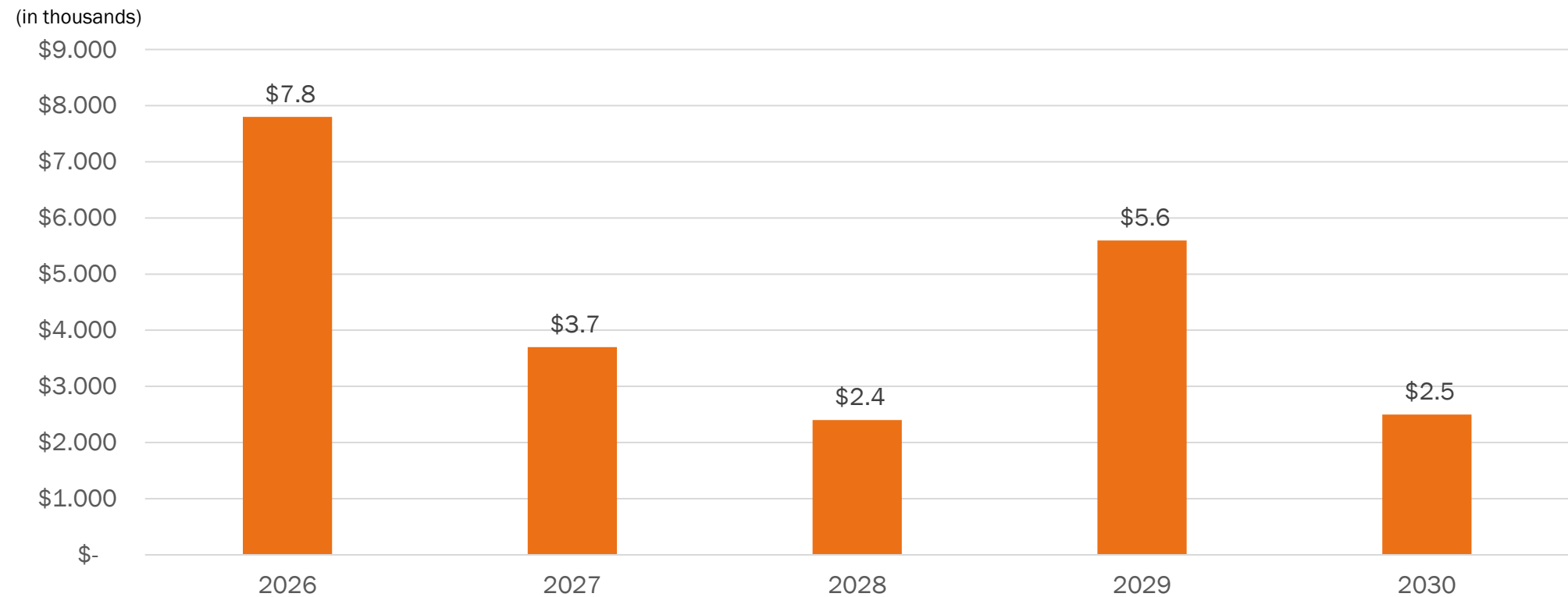
➤ Project Cancellations

- *Cost/benefit approach*

➤ Funding

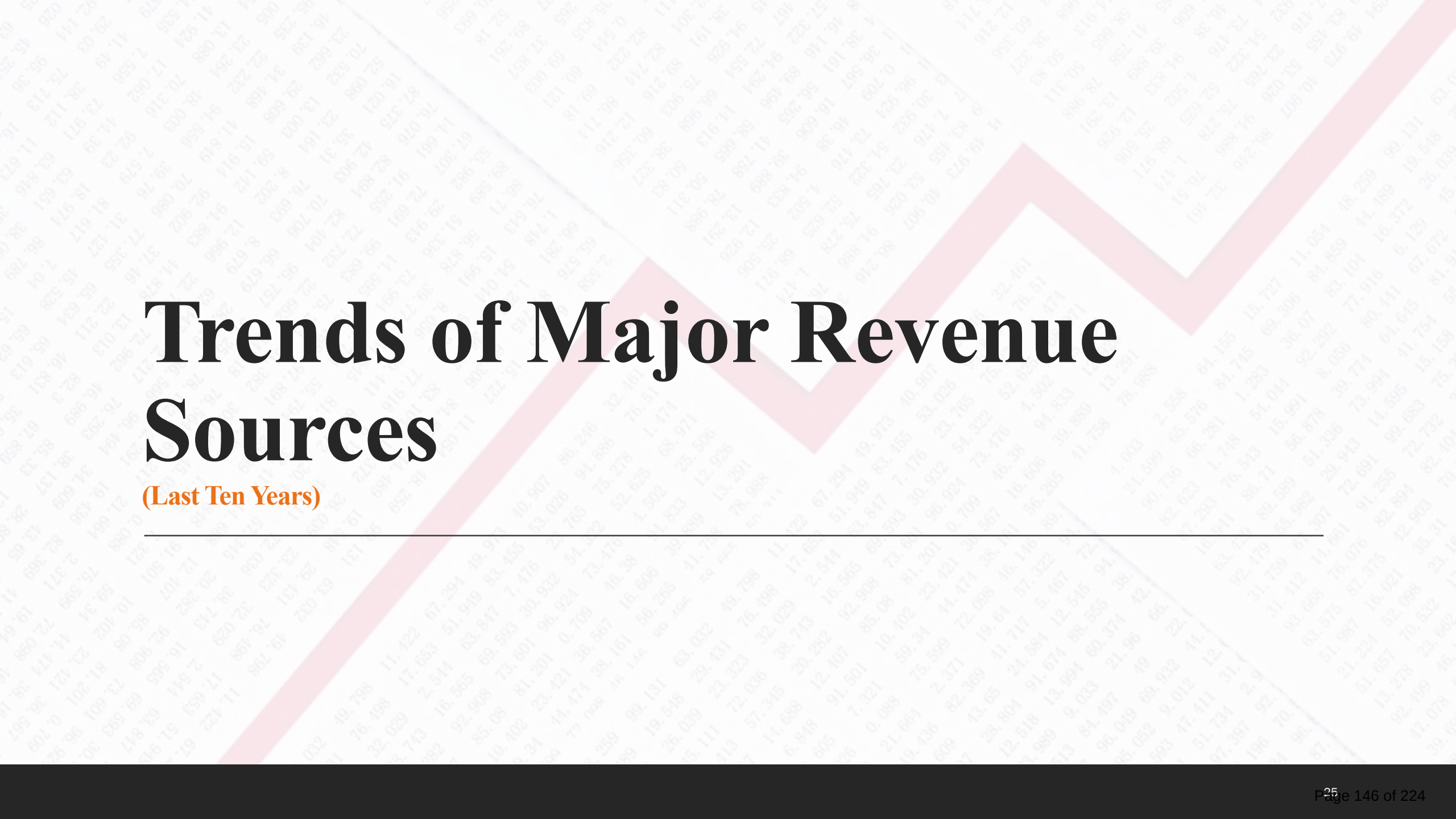
- *PAYGO (Pay as you go)*
- *General obligation bonds*
- *Federal and State Grants*
- *Transfers from the General Fund*
- *M-NCPPC*
- *Prince George's County*

Scheduled CIP Transfers from the General Fund



TRANSFERS FROM THE GENERAL
FUND FOR CAPITAL
IMPROVEMENT PROJECTS
ARE NOT SUSTAINABLE.





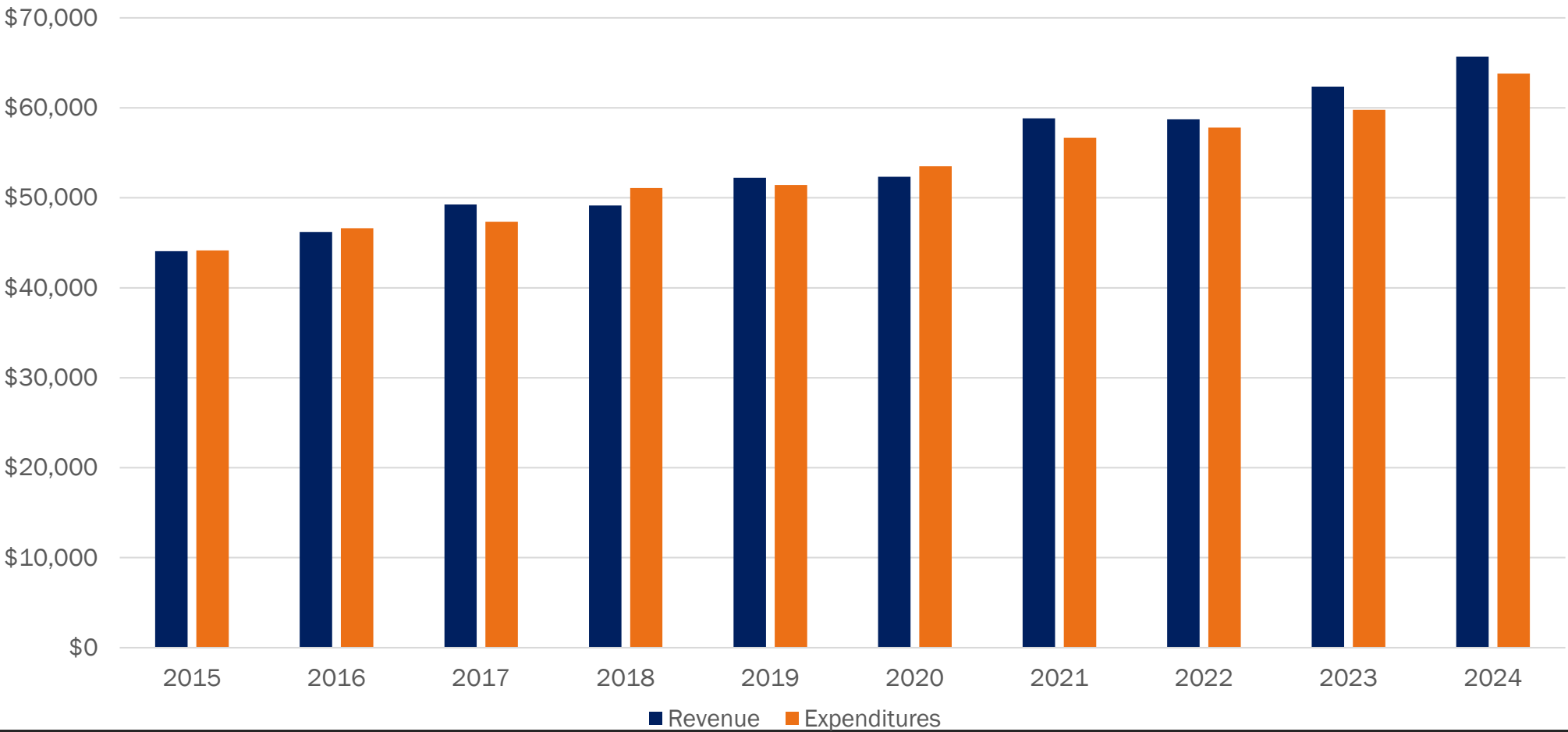
Trends of Major Revenue Sources

(Last Ten Years)

General Fund - Revenues and Expenditures

Last Ten Years

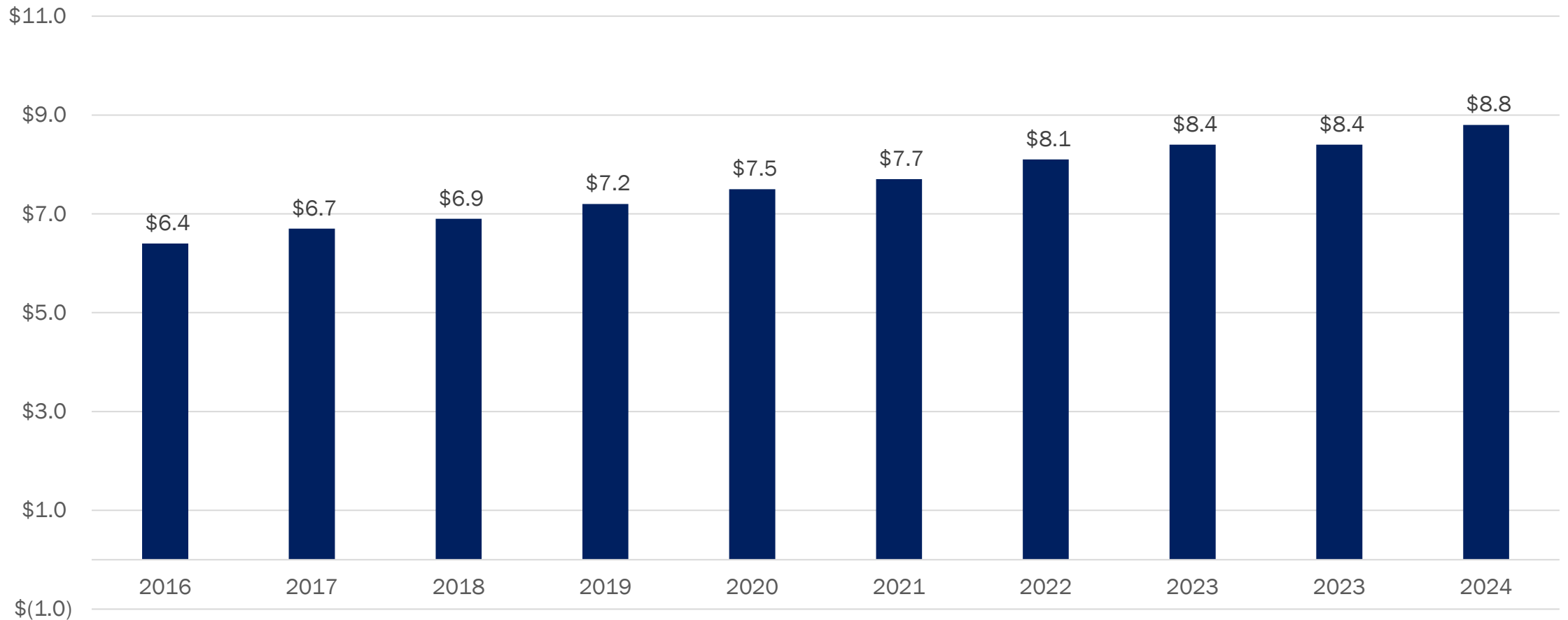
(in Millions)



Assessed Value of Taxable Property

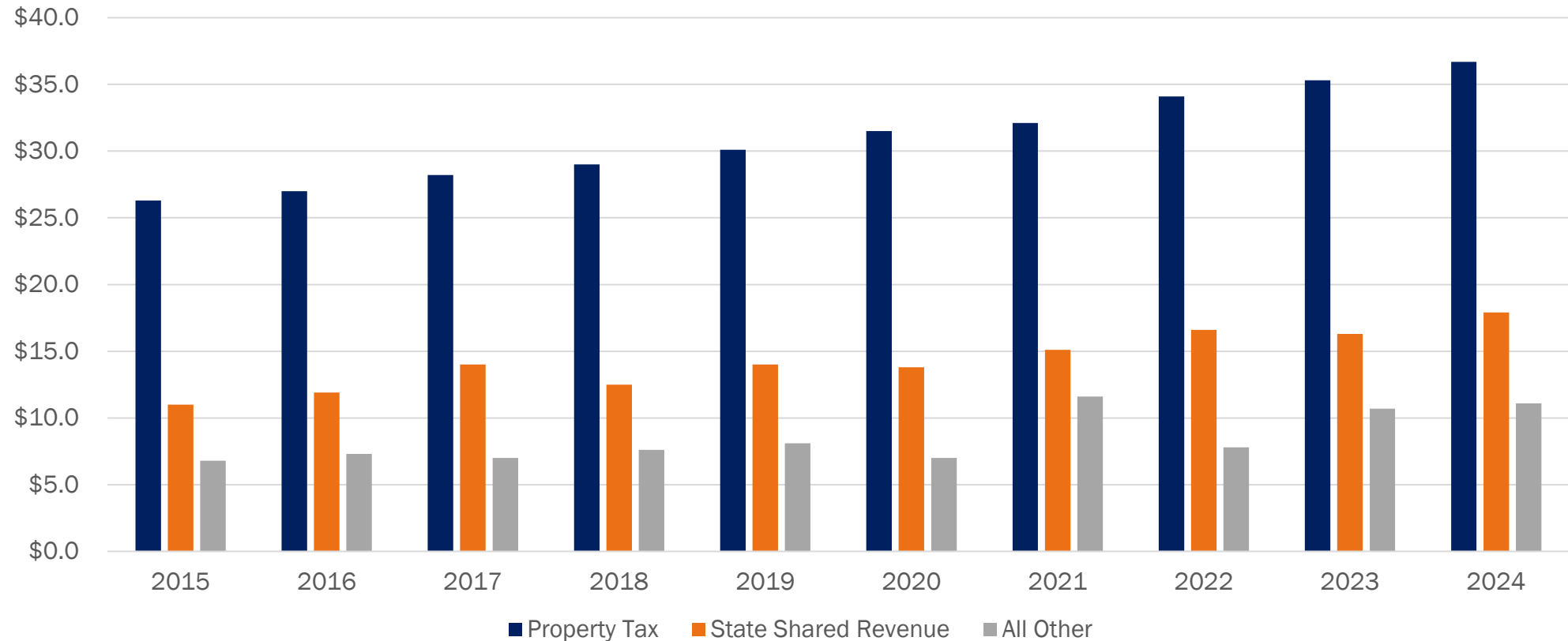
Last Ten Years

(in Billions)



General Fund Major Revenue Categories

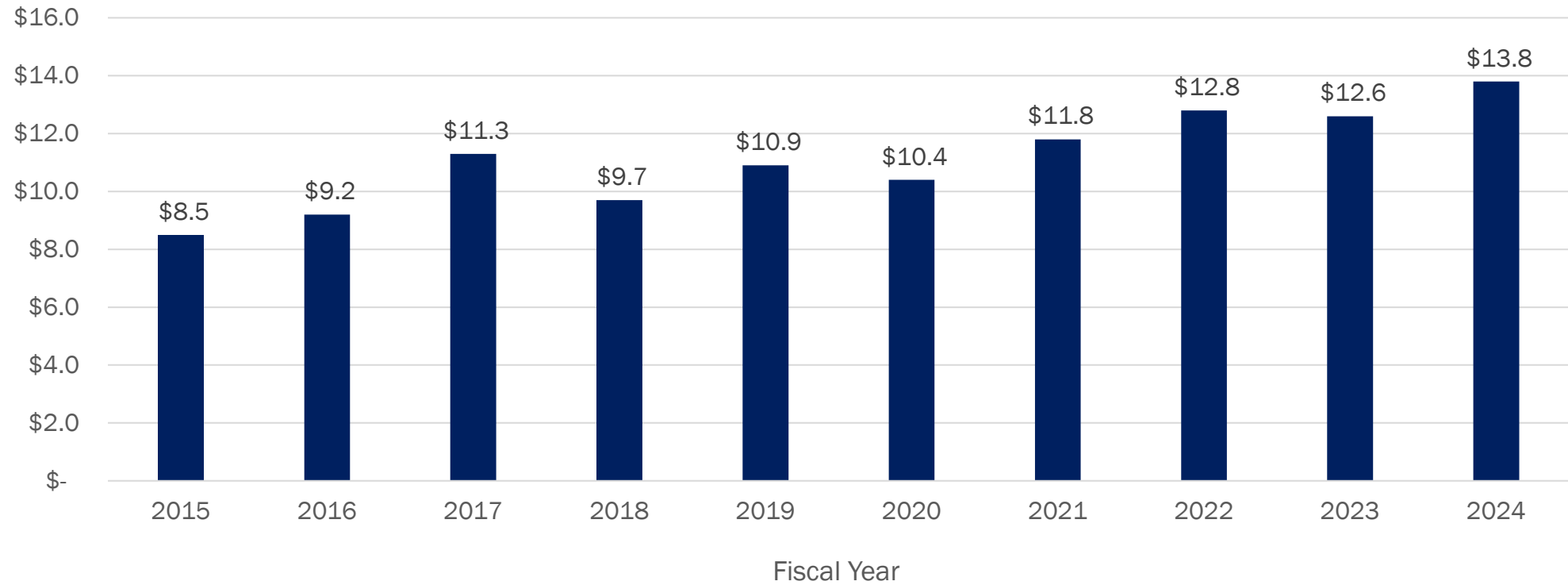
(in Millions)



Income Taxes

Last Ten Years

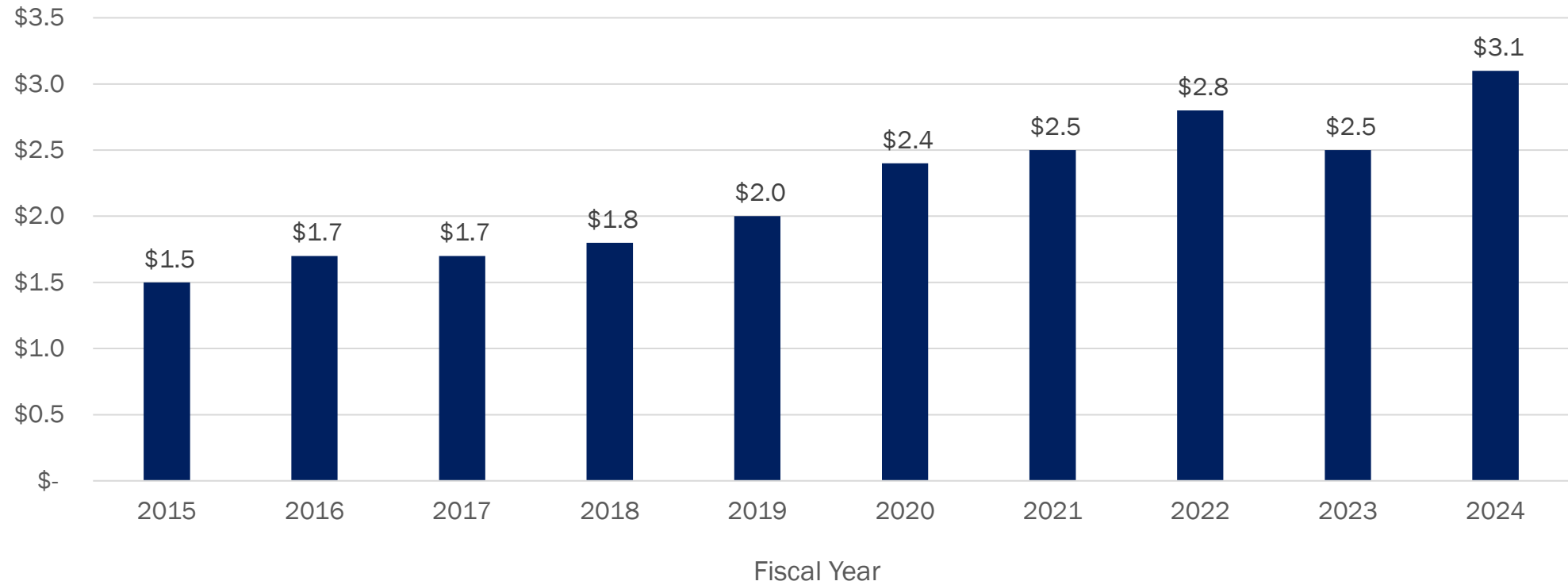
(in Millions)



Highway User Revenue

Last Ten Years

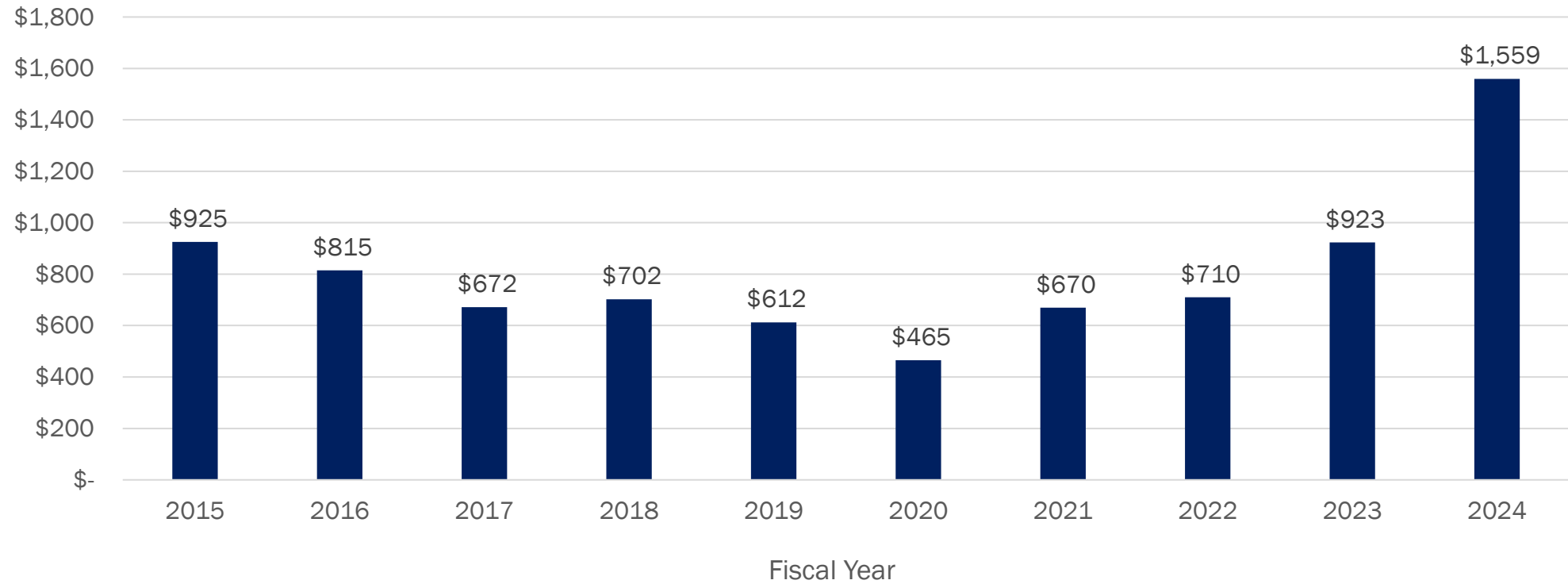
(in Thousands)



Revenue from Speed Camera Infractions

Last Ten Years

(in hundreds)



Budget Guidance

The City's financial position is strong, as demonstrated by affirmation of the City's Aaa rating from Moody's, AAA Standard and Poor's, and AAA Fitch Ratings. General Fund Balance and Unassigned Fund as a percentage of General Fund Expenditures.

- General Fund - Fund Balance
\$46,767,961 73%

- Unassigned Fund Balance
\$18,995,284 30%

Unaudited financial statement as of June 30, 2024

Percentage of current expenditures

Questions and Comments

A thin vertical line is positioned to the right of the text, extending from the top of the word 'Questions' down to the bottom of the word 'Comments'.



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Detailed Site Plan DSP-20003-03, Chipotle at Mill Branch Crossing

DATE: 01/16/2025

I. Background and Proposal

The property forming the subject matter of this Detailed Site Plan application consists of approximately 0.86± acres of land located on the west side of Saint Lola Lane, south of its intersection with Saint Chesley Avenue. The property bears a street address of 3500- 3520 Saint Lola Lane, Bowie, Maryland 20716. It is also known as part of Outlots 8 and 9 as depicted on a plat of subdivision entitled Mill Branch Crossing and recorded among the Land Records of Prince George's County, Maryland in Plat Book ME262, Plat 52. This property is also depicted on Tax Map 55, Grid E- 3.

The property is part of a larger development known as Mill Branch Crossing which is located in the northeast quadrant of the intersection of US 301 and Mill Branch Road. It is currently zoned CGO (Commercial, General Office) and it was previously zoned C-S-C (Commercial Shopping Center) under the prior Zoning Ordinance. This Detailed Site Plan proposes the development and construction of a Chipotle eating and drinking establishment with drive- thru service utilizing the provisions of the prior Zoning Ordinance. The owner is Green Branch LLC.

The applicant, Green Branch, LLC has filed an application for Detailed Site Plan approval under the prior Commercial Shopping Center (C-S-C) zoning for the 0.86-acre subject property. The Mill Branch Crossing property is located on the east side of US 301, approximately 1,500 feet north of Mill Branch Road, and the subject site is located on a portion of Outlots 8-9 (see Attachment #1). The development proposal includes a 2,335 square foot eating and drinking establishment with drive-thru (see Attachment #1). The current zoning is Commercial General Office (CGO).

A Statement of Justification was submitted for this application (see Attachment #1).

II. Analysis of Detailed Site Plan DSP-20003-02

Section 27-285(b)(1) of the County Zoning Ordinance requires that the following finding be made for a Detailed Site Plan to be approved by the County Planning Board:

The Planning Board may approve a Detailed Site Plan if it finds that the Plan represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make this finding, the Planning Board may disapprove the Plan.

Site design guidelines are set forth in Section 27-283 of the Zoning Ordinance and include parking, loading and circulation; lighting; grading; service areas; and, architecture. The DSP may be approved since it represents a reasonable alternative without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. Additionally, the use is permitted by right.

The Subdivision and Development Review Committee raised several comments with which City staff agrees. The Transportation Section of The Maryland-National Capital Park and Planning Commission (M-NCPPC) recommends a submission of a trip generation matrix detailing the approved and proposed development in comparison to the established trip cap. Also, would recommend two bike racks near the entrance to the building along with a detailed showing the inverted U-shaped design and a pedestrian and bicycle circulation plan for the site. Also, recommend submitting a truck turning exhibit demonstrating circulation through the site and parking schedule. The Urban Design Section of the Development Review Division recommends photometric plan updated to show the proposed building mounted lighting. Additionally, the Urban Design Section recommends providing wheel stops along the parking space. Also recommend the rear façade of the building should be broken up by providing either transparency via Windows or variation of building materials in addition to the currently proposed brick façade. Recommend the landscape plan to be updated to depict the boundaries of the applicable landscape schedule. Lastly, would like to recommend SOJ be updated to have an indication of the proposed loading times for the site. Staff recommends the following conditions for DSP-20003-03:

1. A minimum of two bike racks shall be provided near the entrance to the restaurant.
2. Trip generation matrix detailing the approved and proposed development in comparison to the established trip cap.

III. Outstanding Issues

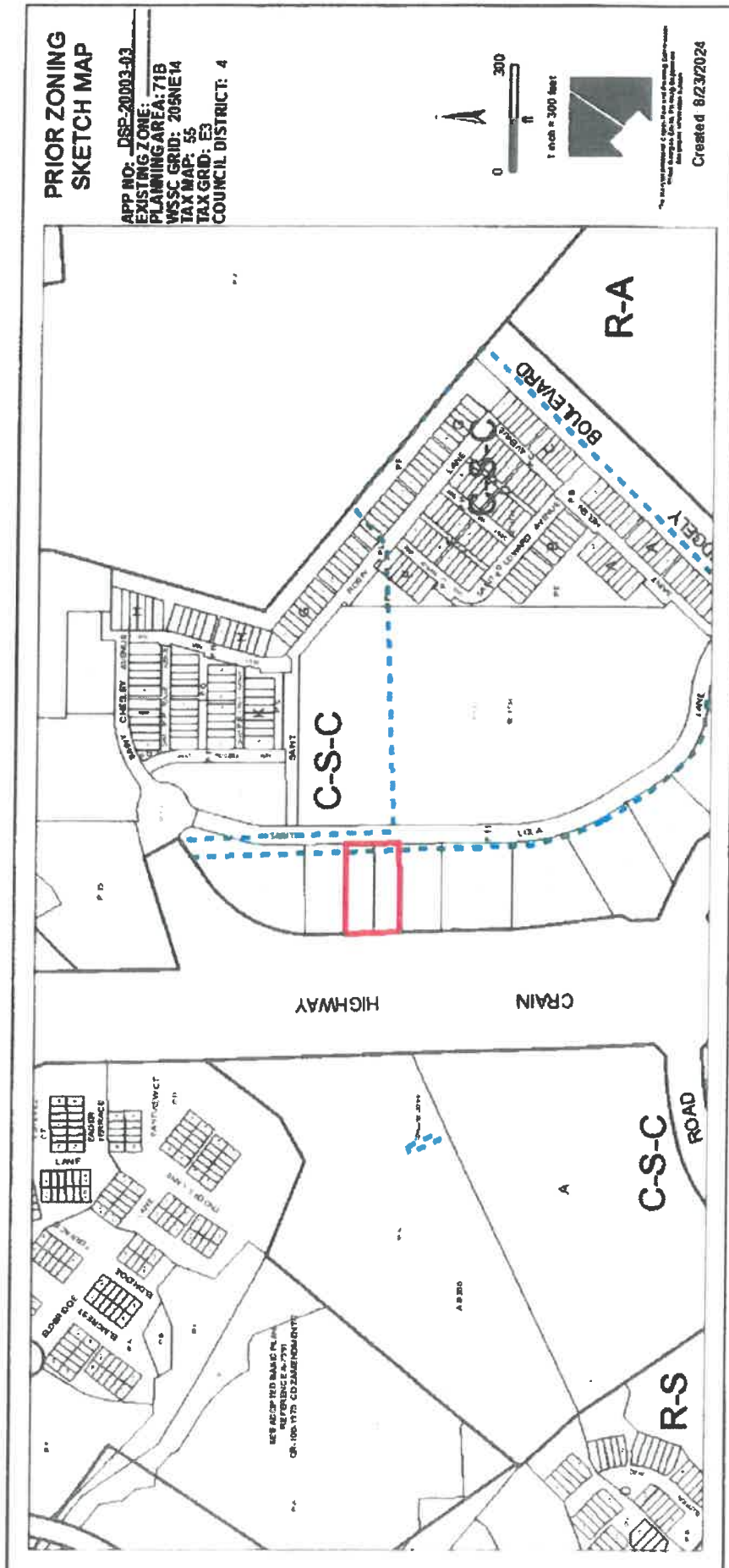
- Provision of bike racks
- Trip Generation Matrix

IV. Recommendation

With the conditions set forth below, staff finds the Detailed Site Plan proposed for the Chipotle site at Mill Branch Crossing will meet the findings for approval set forth in Section 27-285(b). Specifically, the proposed Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. Therefore, staff recommends **APPROVAL** of Detailed Site Plan DSP-20003-03, with the following conditions, which are intended to improve the site design and address conformance with the County Zoning Ordinance and City Development Review Guidelines:

1. A minimum of two bike racks shall be provided near the entrance to the restaurant.
2. Trip generation matrix detailing the approved and proposed development in comparison to the established trip cap

ATTACHMENTS: 1. 20250121 - Chipotle Package CCM 1-6



AMENDED
STATEMENT OF JUSTIFICATION

DETAILED SITE PLAN - DSP-20003-03

MILL BRANCH CROSSING
CHIPOTLE EATING AND DRINKING ESTABLISHMENT
WITH DRIVE-THRU SERVICE

OWNER/APPLICANT: GREEN BRANCH, LLC

Green Branch LLC
2191 Defense Highway, Suite 400
Crofton, Maryland 21114
Attn: William F. Chesley
Owner/Applicant

Edward C. Gibbs, Jr.
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033
egibbs@gibbshaller.com
Attorney for Applicant

Landtech Corporation
201 Defense Highway, Suite 200
Annapolis, MD 21401
Attn: Kim Morgan
Civil Engineer

& 17, Parcel 14 & Part of Parcel 11, Mill Branch Crossing, a Resubdivision of Part of Parcel A" and recorded among the Land Records of Prince George's County in Plat Book ME 262, Plat 52. A copy of this Final Plat of Subdivision is marked Exhibit "B" and attached hereto. The Property is also depicted on Tax Map 55, Grid E-3. Outlot 8 and Outlot 9 comprise a combined total of approximately 2.2441 acres. However, this Site Plan deals with approximately 0.86±acres (the "Property").

When the Preliminary Subdivision Plan for Mill Branch Crossing was filed, the entirety of the project was included. As approved, Mill Branch Crossing included multifamily residential units, residential townhomes, commercial retail space and a hotel. When the project went to Final Record Plat, it was not known how exactly the commercial lots would be laid out in final form. For that reason, all of the commercial lots were designated as Outlots. This allows the configuration and area of what will ultimately be the final iteration of the commercial lots to be revised at the time of Detailed Site Plan for those lots. In this instance, the Chipotle eating and drinking establishment will be located on part of Outlot 8 and part of Outlot 9. After approval of the Detailed Site Plan for Chipotle, a new Final Plat of Subdivision will be recorded and a new parcel number will be assigned. For that reason and at the recommendation of Urban Design staff, only the area

It is zoned AR (previously R-A) and is undeveloped. To the west across US 301 is an approximate 12.8 acre parcel of land zoned CGO (previously C-S-C). That property is improved with a WalMart. Immediately north of that property and also on the west side of US 301 is the Collington Plaza Shopping Center comprising approximately 12.71± acres and also zoned CGO (previously C-S-C). Farther to the north are the Covington townhomes, comprising approximately 4.30± acres and zoned LCD (previously R-U).

US 301 is a dualized major interstate highway consisting of a variable right-of-way width. Abutting the Property, US 301 consists of two through lanes both north and south divided by a median. There are also turn lanes and acceleration/deceleration lanes at the US 301/Mill Branch Road intersection. The intersection of Mill Branch Road and US 301 is signalized. The area may generally be said to be extensively developed along the west (southbound) lanes of US 301 as well as directly north of the Property. In general, the areas east and southeast are sparsely developed with the exception of the Mill Branch Estates subdivision located farther southwest on the south side of Mill Branch Road.

CB-45-2019

Despite the approval of large scale commercial development in Preliminary Plan 4-08052, the market demand for commercial retail space had changed dramatically. It became obvious that commercial development of that scale would not be feasible. Concurrent with the changing commercial retail climate, the County Council was considering the adoption of a new Zoning Ordinance. At the time, the Mill Branch Crossing property had been recommended to be placed in the CGO Zone. That zone permits a wide array of commercial uses. In addition, it permits residential townhomes at a density of up to 20 units per acre and multifamily residential units at a density of up to 48 units per acre.

In anticipation of this zoning reclassification, the owner approached the County Council with a request for it to consider a Zoning Text Amendment which would effectively allow the same uses to be permitted in the C-S-C Zone as were proposed to be permitted in the CGO Zone. As a result, the County Council adopted CB-45-2019 in November of 2019, a copy of which is filed with this application. That bill amends the Use Table in the C-S-C Zone to permit residential townhomes at a density not to exceed 20 units per acre and multifamily residential units at a density not to exceed 48 units per acre. A condition precedent to the use of the Text Amendment is that the property in question must comprise a minimum of 50 acres at the time of Preliminary Subdivision Plan

acres. As approved, DSP-20003 authorized development of 408 multifamily residential units and 190 townhouse units. Infrastructure to serve those residential units was also approved in DSP-20003, to include access points and internal private roadways, some of which will eventually serve the Property.

Subsequently, the Planning Board approved DSP-20003-01 on September 7, 2023, upon its adoption of PGCPB Resolution No. 2023-88. A copy of this approval Resolution is included in this submission. DSP-20003-01 had as its subject matter Outlot 15 as depicted on Exhibit "B" attached hereto. The applicant in DSP-20003-01 was Dash-In Food Stores, Inc., which operates gas stations with food and beverage stores around the country. Pursuant to DSP-20003-01, this land area was approved for a gas station and food and beverage store comprising 4,809 square feet. Dash-In also proposes a car wash at this site. However, a car wash is permitted by Special Exception in the C-S-C Zone and so it was not included in DSP-20003-01. A separate Special Exception application (SE-22006) is being processed for the proposed car wash.

DSP-20003-02 & DSP-20003-04

Two additional Detailed Site Plans are being filed concurrently with the instant application. Specifically, DSP-20003-02 proposes the development of a Popeye's eating and drinking establishment with drive-thru service on part of Outlot 9 and part

Preliminary Subdivision Plan (4-19050) pursuant to Section 24-128 of the prior Subdivision Regulations. The Mill Branch Crossing project will have two access points. The first access point will be a right-in/right-out access from US 301. This access point will intersect with a traffic circle within the development which connects to an internal private road to be known as Saint Chesley Avenue. The second point of access will come from Mill Branch Road at a circle and onto a private road to be known as Saint Ridgely Boulevard. Saint Ridgely Boulevard will run in a northeast direction from Mill Branch Road. Within the development, private roads will provide access to the lots. There will be two access points off of Saint Ridgely Boulevard. One will be known as Saint Lola Lane. Saint Lola Lane will act as a spine road running through the Mill Branch Crossing property and will essentially separate the commercial development to the west from the residential development to the east. Access to the Property will be gained via Saint Lola Lane, which is a 52-foot private roadway. A total of 45 parking spaces will be provided. This includes 26 standard parking spaces, 3 reserved spaces for pickup orders, 14 compact parking spaces and 2 handicapped parking spaces.

As noted above, access into the Chipotle restaurant will be achieved from either Mill Branch Road or from the right turn lane into the Mill Branch Crossing project from US 301. Utilizing either access point, vehicles will turn onto Saint Lola Lane. If

a single window where customers will pick up food that they have purchased via mobile order. After customers have picked up their order, they will proceed forward (east) to a stop sign. From there, they will turn right (south) toward the access driveway. At this point, they may turn left (east) toward Saint Lola Lane, or they may turn right (west) to access the future inline retail building.

COMPLIANCE WITH ZONING ORDINANCE STANDARDS

An eating or drinking establishment with drive-thru service is permitted in the prior C-S-C Zone subject to approval of a Detailed Site Plan. As noted above, a portion of the Property was also subject to CB-45-2019. However, CB-45-2019 applied only to residential development in the C-S-C Zone. As this application proposes only commercial development, the Applicant submits the criteria listed in CB-45-2019 are inapplicable to the instant application. Moreover, conformance with the criteria in CB-45-2019 was already found to have been met in DSP-20003.

DETAILED SITE PLANS - GENERAL PURPOSES

The purposes of Detailed Site Plans are set forth in Section 27-281. The General Purposes for Detailed Site Plans are set forth in Section 27-281(b). That section provides as follows:

B. To help fulfill the purposes of the zone in which the land is located;

The purposes of the C-S-C Zone are set forth in Section 27-454(a) of the Zoning Ordinance. That section provides as follows:

(a) Purposes.

(1) The purposes of the C-S-C Zone are:

(A) To provide locations for predominantly retail commercial shopping facilities;

The overall Mill Branch Crossing project will provide locations for retail shopping facilities. The Preliminary Subdivision Plan has approved almost 80,000 square feet of commercial retail space and a 150-room hotel. Pursuant to CB-45-2019 and DSP-20003, the residential uses being proposed are also expressly permitted of right. The instant proposal, for an eating and drinking establishment with drive-thru service, will serve local residents as well as visitors who will patronize the future commercial/retail offerings within the Mill Branch Crossing project.

(B) To provide locations for compatible institutional, recreational and service uses;

It is important to view the instant proposal within the context of the overall Mill Branch Crossing project. As noted above, the overall project will incorporate a mix of residential and commercial uses. Recreational amenities are provided within the residential component of the project. The need for any other

- (F) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

The approval procedures as set forth in the Zoning Ordinance and which are applicable to this Detailed Site Plan are in fact easily understood and consistent.

DETAILED SITE PLANS - SPECIFIC PURPOSES

The Specific Purposes of Detailed Site Plans are set forth in Section 27-281(c) of the Zoning Ordinance. That section provides as follows:

(c) Specific Purposes.

(1) The specific purposes of Detailed Site Plans are:

- (A) To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;

The locations of the proposed Chipotle building and all other improvements are in fact shown depicted on the various sheets of the Detailed Site Plan submittal package. This would also include architecture, parking facilities, access points, green areas, landscaping, recreational amenities and signage.

- (B) To show specific grading, planting, sediment control, woodland conservation areas, regulated environmental features and storm water management features proposed for the site;

such things as private infrastructure, recreational amenities, etc. In addition, all roads within Mill Branch Crossing are private and must be maintained by property owners and tenants. Accordingly, a separate association has been established which is also governed by covenants and which will ensure maintenance of private roads and onsite utilities. Finally, an access easement was previously granted to the Maryland-National Capital Park and Planning Commission in order to provide vehicular access into the Green Branch Regional Park which is not yet constructed. That agreement provides certain construction financial responsibilities on the part of M-NCPPC as well as maintenance responsibilities for use of Ridgely Boulevard.

SECTION 27-283. - SITE DESIGN GUIDELINES.

- (a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).

SECTION 27-274. DESIGN GUIDELINES.

Section 27-274(a) (2) Parking, Loading and circulation.

The Site Design Guidelines provide guidance regarding the location of parking and loading facilities. These guidelines encourage the location of parking as near as possible to the uses they serve, generally placing parking on the side or rear of the structures, orienting loading docks away from major streets and from public view and separating loading areas from parking areas.

orient both lines of sight and physical activity internally and toward Saint Lola Lane.

Section 27-274(a) (5) Green Area.

Green area will be provided in accordance with the regulations in the C-S-C Zone applicable to the Property. All required setbacks, buffers and internal tree plantings are being provided as required pursuant to applicable Ordinance and Landscape Manual requirements. The result is to present visitors to the restaurant site with attractive and tranquil views.

Section 27-274(a) (6) Site and streetscape amenities.

The site has been designed to contribute to an attractive, coordinated development which will enhance the use and enjoyment of the site. Most significantly, the applicant will be providing all landscaping as required by the Landscape Manual. As noted earlier, the site has been laid out in such a manner as to orient activities to the north and east sides of the building. This provides an opportunity for patrons to have their experience oriented inward toward the development as opposed to creating viewsheds oriented to US 301. The trash dumpster is located in the southwest corner of the site abutting US 301. While some parking is located in the western portion of the site, no physical activity is oriented anywhere other than along the north and east sides of the building. A five foot wide sidewalk is located along the north and east sides of the building. In addition, an

Section 27-274(a) (9) Public spaces.

No public space system is proposed in conjunction with this project.

Section 27-274(a) (10) Architecture.

Architectural elevations have been provided as part of the Detailed Site Plan package. The building will incorporate trademark Chipotle architectural features which will include substantial glazing, brick exterior treatments, metal coping and aluminum wall panel systems. The building will feature an articulated façade so that the building does not present in a long straight façade lacking architectural interest. A parapet will be utilized at the top of the building in order to screen HVAC equipment which will be located on the roof.

DETAILED SITE PLANS - REQUIRED FINDINGS

This Detailed Site Plan must be approved by the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission. The Planning Board must make required findings as set forth in Section 27-285(b) of the Zoning Ordinance. Those findings are as follows:

(b) Required findings.

- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its**

**grading, reforestation, woodland
conservation, drainage, erosion and pollution
discharge.**

This Detailed Site Plan is not a Detailed Site Plan for Infrastructure. Infrastructure elements for the overall Mill Branch Crossing project were approved as part of DSP-20003. Thus, the Applicant submits this provision is inapplicable to the instant application.

- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b) (5) .**

A Natural Resources Inventory (NRI-029-07/04) was approved on June 5, 2020 for the overall Mill Branch Crossing property. In addition, a Tree Conservation Plan (TCP-022-07) was approved on January 25, 2010 and TCP II-016-10 was approved on April 10, 2017. The Property does not contain any wetlands of special State concern. Further, the Property is not located within the Chesapeake Bay Critical Area. Non-tidal wetlands do exist on the Property and some impacts to these wetlands are proposed. However, the impacts have previously been approved by the U.S. Army Corps of Engineers and the Maryland Department of the Environment. The review and approval by those agencies has authorized the proposed impacts and they have authorized 2.6 acres of wetland mitigation

See PPS, General Note 14.

commercial/retail space which was approved in Preliminary Plan 4-19050. Therefore, the proposed use does not trigger any requirement for a new Preliminary Subdivision Plan.

- 4. Development of this site shall be in conformance with the stormwater management concept plan for this project (01-0614-205NE14, once reapproved by the City of Bowie), and any subsequent revisions.**

All development will be in strict conformance with the approved Stormwater Management Concept Plan as approved by the City of Bowie.

- 5. Prior to approval of a final plat, in accordance with the approved preliminary plan of subdivision, the final plat shall include the dedication of public utility easements (PUEs) along all public and private rights-of-way, unless a variation from the PUE requirement is obtained.**

A variation was approved as part of Preliminary Plan 4-19050 to exclude the 10' PUE which was required to be provided along the frontage of US Route 301 and Mill Branch Road. Instead, a 10' PUE is provided along one side of all internal roads. As can be seen on the Final Plat of Subdivision (Exhibit "B"), the 10' PUE is shown along the Property's frontage with Saint Lola Lane. This PUE is reflected on the Detailed Site Plan. Given that the Property is designated as an Outlot, a new Final Plat of Subdivision will need to be recorded following approval of this Detailed Site Plan. The new Final Plat will reflect the location of the 10' PUE in accordance with the Preliminary Plan and this Detailed Site Plan.

George's County Planning Board with the detailed site plan (DSP). Triggers for construction shall also be established at the time of DSP.

See above response to Condition 7.

18. Total development within the subject property shall be limited to uses which generate no more than 909 AM peak-hour trips and 1,231 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

As noted above, the development being proposed in this Detailed Site Plan is in strict conformance with the development density approved in Preliminary Subdivision Plan 4-19050. The trip cap is not being exceeded and uses are not being proposed which would generate more trips than those which were approved.

20. In conformance with the 2009 Approved Countywide Master Plan of Transportation, and the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following improvements, and provide an exhibit that depicts the following improvements, prior to acceptance of any detailed site plan:

- a. Bikeway signage and shared lane markings (e.g., "sharrow"), within the right-of-way, along the subject site's frontage of Mill Branch Road, unless modified with written correspondence by the Prince George's County Department of Permitting, Inspections and Enforcement, and/or the Maryland State Highway Administration, as appropriate.
- b. Minimum 5-foot-wide sidewalks along both sides of all internal roadways, public or private, excluding alleyways.
- c. Minimum 5-foot-wide sidewalks along the full lengths of proposed Roads A, D, and F.

CONCLUSION

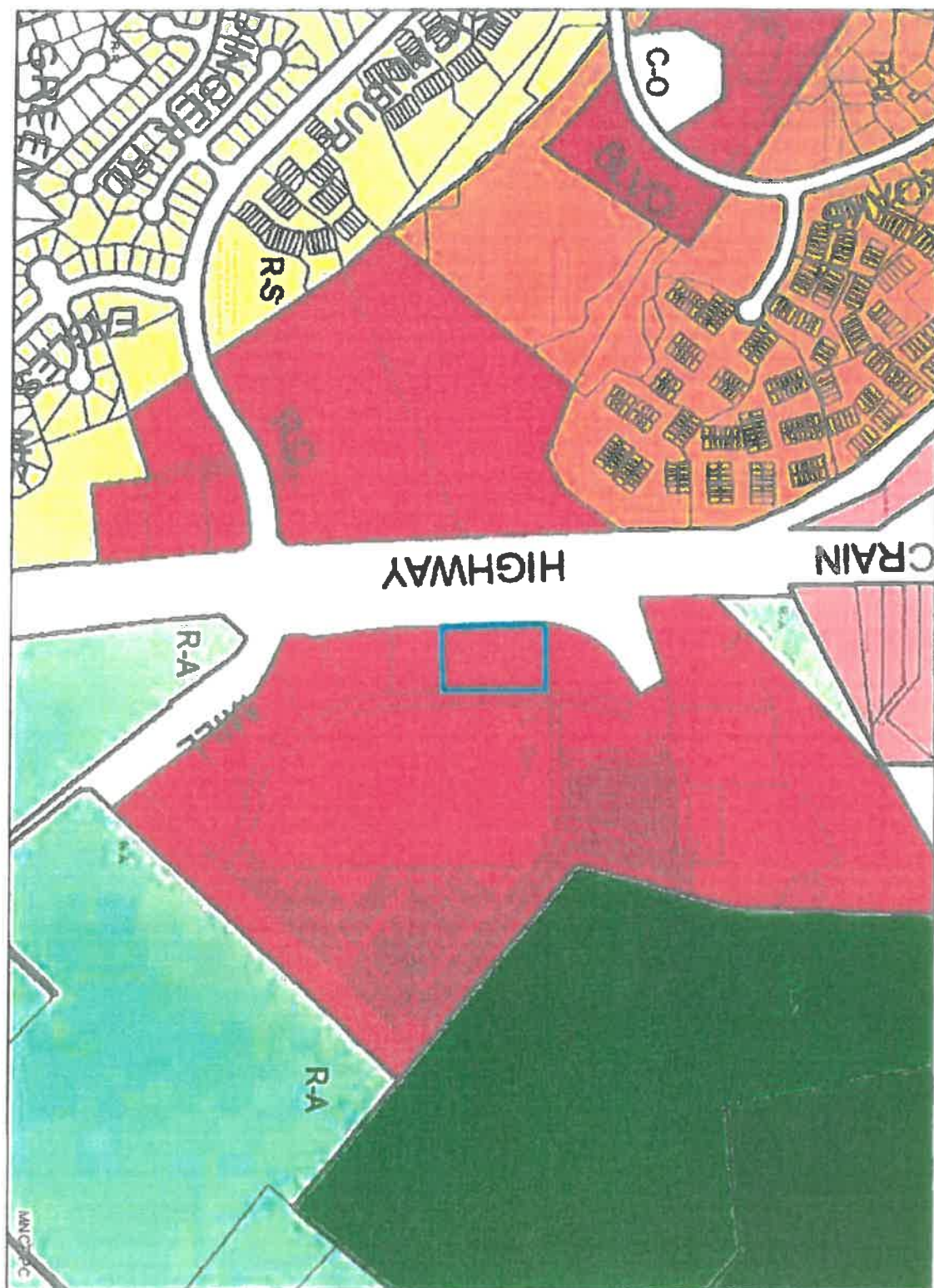
In view of all of the above, the Applicant submits that all relevant criteria for the approval of Detailed Site Plan DSP-20003-03 have been met and satisfied. The Applicant therefore requests that this Detailed Site Plan be approved as submitted.



Edward C. Gibbs, Jr., Esquire
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033
egibbs@gibbshaller.com
Attorney for the Applicant



8.5X11_Landscape

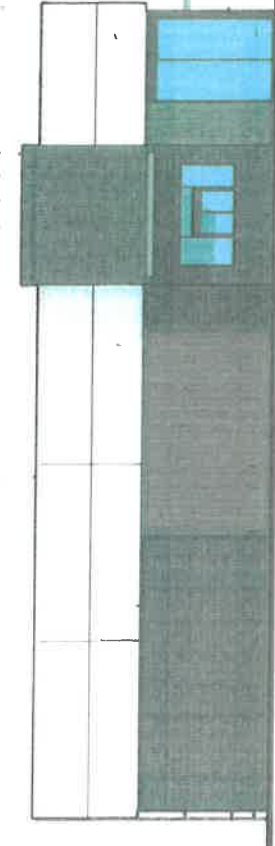


Data provided by Prince George's County Planning Department - 1

Exhibit "D"

ATTENTION DESIGN

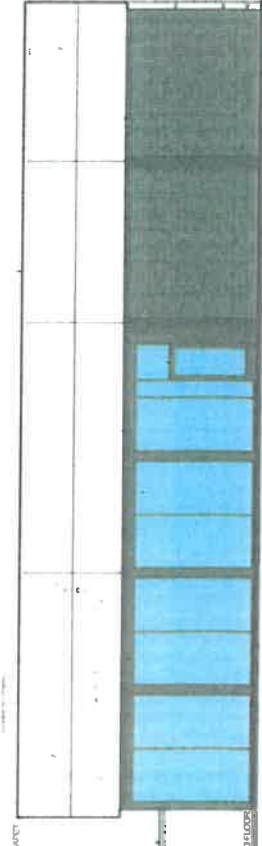
TO TOP OF
PARAPET 4'
TO FINISH 18'-0"



1 FRONT ELEVATION

2 LEFT ELEVATION

ITEM	DESCRIPTION	FINISH	COMMENTS
1	CHIPOTLE BUILDING	GREEN	GREEN
2	CHIPOTLE BUILDING	GREEN	GREEN
3	CHIPOTLE BUILDING	GREEN	GREEN
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100	CHIPOTLE BUILDING	GREEN	GREEN



4 RIGHT ELEVATION

3 REAR ELEVATION

CHIPOTLE - SHELL BUILDING
PRINCE GEORGE'S COUNTY, MARYLAND
W.F. CHESLEY



DSR-20002-03

CHIPOTLE ELEVATION PLAN
CHIPOTLE 0
MILL BRANCH CROSSING
PART OF MILL BRANCH
PRINCE GEORGE'S COUNTY
MAY 2002

OWNER/DEVELOPER
SHELL BUILDING, LLC
10000 SHELL ROAD
PRINCE GEORGE, MD 20571
TEL: 410-276-1234
FAX: 410-276-1235



101 Prince Georges
Road, Suite 200
P.O. Box 13000
Columbia, Maryland 21044
Tel: 410-321-1234
Fax: 410-321-1235



REVISIONS

NO.	DATE	DESCRIPTION
1	5/2/02	ISSUED FOR PERMIT
2	5/2/02	ISSUED FOR PERMIT
3	5/2/02	ISSUED FOR PERMIT
4	5/2/02	ISSUED FOR PERMIT
5	5/2/02	ISSUED FOR PERMIT
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100	5/2/02	ISSUED FOR PERMIT



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Preliminary Plan of Subdivision PPS-4-23041 Redeemed Christian Church of God/Victory Temple

DATE: 01/16/2025

PPS-4-23041 involves 31.5 acres of land located at the southeast corner of Church Road and Mount Oak Road in the RE (Residential, Estate) Zone. The site is located adjacent to the City limits, abutting the Woodmore Estates. The PPS proposes a total of eight lots and two parcels for eight single-family detached dwelling units and 117,355 square feet of institutional development. The PPS was heard at the County Planning Board on December 5th, where it was noted that the M-NCPPC staff report recommended approval, with conditions. One of which, Condition 5, requires the applicant to meet with the City and is as follows:

5. Prior to approval of the final plat of subdivision for residential development (Lots 1–8 and Parcel A), the applicant and the applicant's heirs, successors, and/or assignees shall:
 - (a) Provide evidence of having received approval and agreement for access and maintenance between the Bowie City Council and the Prince George's County Department of Public Works and Transportation for the extension of Dew Drive.
 - (f) In the event that approval and agreement for the extension of Dew Drive (including Prince George's County and the City of Bowie access and maintenance) is not received, the area of Lots 1 through 8, Dew Drive extension, and Parcel A shall be platted as Outparcel A.

The applicant indicated their willingness to work with the City and to meet with the City Council on January 21, 2025 to discuss the access and maintenance of the road serving the subdivision. The applicant has also indicated a desire to have the eight lots annexed into the City, if the City agrees.

The Planning Board resolution, which includes all conditions of the approval is attached.

ATTACHMENTS: 1. 20250121 - PGCPB Resolution

PGCPB No. 2024-129

File No. 4-23041

R E S O L U T I O N

WHEREAS, The Redeemed Christian Church of God (Victory Temple) Bowie, Maryland is the owner of a 31.52-acre tract of land known as Parcel 19, Parcel 37, Parcel 71, and Lot 1, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Residential Estate (RE); and

WHEREAS, on June 28, 2024, The Redeemed Christian Church of God (Victory Temple) Bowie, Maryland filed an application for approval of a Preliminary Plan of Subdivision for eight lots and two parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-23041 for Redeemed Christian Church of God, Victory Temple, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission at a public hearing on December 5, 2024; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Prince George's County Council Resolution CR-025-2024 and Section 24-1900 *et seq.* of the Prince George's County Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2026 may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 (prior Subdivision Regulations); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, at the December 5, 2024 public hearing, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-022-2024, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision 4-23041, including a Variation from Section 24-121(a)(3), for eight lots and two parcels, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:
 - a. Ensure the gross tract area is consistent between the PPS and Type 1 tree conservation plan.
 - b. Add a general note indicating approval of a variation from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations, for two points of direct access to Mount Oak Road.
 - c. Show a 5-foot-wide sidewalk and associated 10-foot-wide public use easement between the cul-de-sac of Dew Drive and the shared-use path along Mount Oak Road, next to the proposed 20-foot-wide Washington Suburban Sanitary Commission easement.
 - d. In the owner/applicant block, include the full business name of the applicant, "The Redeemed Christian Church of God (Victory Temple) Bowie, Maryland."
 - e. Add Tax Map 62, Grid E1 to General Note 2.
 - f. Revise General Note 6 so that the road dedication acreage, road vacation acreage, and net acreage are separate general notes. Specify a net acreage which is consistent with the gross acreage, due to the lack of floodplain on-site.
 - g. Under General Note 14, and in the Regulation Table, in the line for lot coverage, change "MIN." to "MAX."
 - h. In General Note 20, add the approval date of the stormwater management concept plan.
 - i. On the plan drawing, remove proposed landscape bufferyards and building restriction lines from Parcel 1.
 - j. On the plan drawing, correct the labels for off-site Lots 2 and 3 of the Preserve at Woodmore Estates subdivision so they are not duplicating the label for Lot 1 of that subdivision.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 32054-2024-SDC, once approved, and any subsequent revisions.
3. At the time of final plat for Parcel 1, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Grant 10-foot-wide public utility easements along the existing and proposed public rights-of-way, in accordance with the preliminary plan of subdivision.

- b. Include a note on the final plat for Parcel 1 indicating approval of a variation from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations, for two points of direct access to Mount Oak Road.
 - c. Dedicate the rights-of-way along the property's street frontages of Mount Oak Road and Church Road, consistent with the approved preliminary plan of subdivision.
- 4. Prior to approval of the final plat of subdivision for residential development, in accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee-in-lieu payment for mandatory parkland dedication for every residential lot less than one acre in area.
- 5. Prior to approval of the final plat of subdivision for residential development (Lots 1–8 and Parcel A), the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Provide evidence of having received approval and agreement for access and maintenance between the Bowie City Council and the Prince George's County Department of Public Works and Transportation for the extension of Dew Drive.
 - b. Reflect dedication of the right-of-way for Dew Drive, consistent with the approved preliminary plan of subdivision.
 - c. Dedicate the rights-of-way along the property's street frontage of Mount Oak Road, consistent with the approved preliminary plan of subdivision.
 - d. Grant 10-foot-wide public utility easements along the existing and proposed public rights-of-way, in accordance with the preliminary plan of subdivision.
 - e. Submit to the Maryland-National Capital Park and Planning Commission, for review and approval, a draft Declaration of Restrictive Covenants and/or easement for the sidewalk between the cul-de-sac of Dew Drive and Mount Oak Road. The limits of the public use easement shall be reflected on the final plat, consistent with the approved preliminary plan of subdivision. Prior to recordation of the final plat, the Declaration of Restrictive Covenants and/or easement shall be recorded in the Prince George's County Land Records, and the book/page of the document shall be indicated on the final plat(s) with the limits of the easement. The easement or covenant shall not be required if the permitting agency, with written correspondence, indicates that no shared-use path or other pedestrian walkway will be required along Mount Oak Road.
 - f. In the event that approval and agreement for the extension of Dew Drive (including Prince George's County and the City of Bowie access and maintenance) is not received, the area of Lots 1 through 8, Dew Drive extension, and Parcel A shall be platted as Outparcel A.

6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-022-2024). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-022-2024 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George’s County Planning Department.”

7. Prior to issuance of permits for this project, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a woodland and wildlife habitat conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved.”

8. Prior to signature approval of the preliminary plan of subdivision, a copy of the approved stormwater management concept plan and letter associated with this site shall be submitted, and the facilities shall be correctly reflected on the Type 1 tree conservation plan.
9. Prior to approval of the Type 2 tree conservation plan, the plan shall include methodology for planting to protect the forest edge.
10. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised as follows:

- a. Add the following note below the specimen tree table:

“This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of specimen trees ST-3, ST-4, ST-5, and ST-6.”

- b. Have the plans signed and dated by the qualified professional who prepared them.
- c. Ensure the gross tract area is consistent between the PPS and TCP1.
- d. Remove the proposed natural regeneration and woodland reforestation/afforestation out of the public utility easement and update the worksheet.

11. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following improvements, and shall show the improvements on the permit plans prior to approval of building permits:
 - a. Ten-foot-wide shared-use paths along the property frontages of Mount Oak Road and Church Road, unless modified by the permitting agency with written correspondence.
 - b. A minimum 5-foot-wide sidewalk along both sides of Dew Drive, unless modified by the permitting agency with written correspondence.
 - c. Direct pedestrian pathways connecting from the roadway frontages to the internal parking and building entrances.
 - d. Crosswalks and Americans with Disabilities Act-compliant curb ramps across all site access points.
 - e. Short-term bicycle parking at locations convenient to all the building entrances on Parcel 1.
 - f. A 5-foot-wide sidewalk with an associated 10-foot-wide easement between Dew Drive and Mount Oak Road, unless the requirement for a 10-foot-wide shared-use path along the frontage of Mount Oak Road is modified by the permitting agency, with written correspondence, so that no shared-use path or other pedestrian walkway is required along the frontage of Mount Oak Road.
12. Prior to approval of a final plat of subdivision for the residential development, the applicant shall obtain approval to vacate portions of the existing Mount Oak Road right-of-way, in accordance with the approved preliminary plan of subdivision.
13. Prior to approval of building permits for residential development, the applicant shall submit a noise study based on the final site layout and building architecture. The study shall demonstrate that outdoor activity areas will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m., and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m., and that the interiors of dwelling units will be mitigated to 45 dBA or less. The permit plans shall show the locations and details of features provided for outdoor noise mitigation. The ground-level mitigated 65 dBA/Leq noise contour, ground-level mitigated 55 dBA/Leq noise contour, upper-level mitigated 65 dBA/Leq noise contour, and upper-level 55 dBA/Leq noise contour shall be delineated on the permit plans, accounting for the locations of buildings and all noise barriers. The permit plans shall identify all dwelling units affected by noise levels exceeding 65 dBA/Leq.
14. Prior to approval of a building permit for any dwelling unit affected by noise levels exceeding 65 dBA/Leq, a certification by a professional engineer, with competency in acoustical analysis, shall be placed on the architectural drawings included with the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA or less.

15. Prior to approval of a final plat of subdivision for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Board, are included. The Book/page of the declaration of covenants shall be noted on the final plat prior to recordation.
16. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to a homeowners association, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved permit site plan and tree conservation plan. This shall include, but not be limited to the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the applicable legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.

2. **Background**—The subject site is located in the southeast quadrant of the intersection of Mount Oak Road and Church Road. The property totals 31.52 acres and consists of three existing parcels, recorded by deed, and one existing platted lot. These include Parcel 19, recorded in the Prince George’s County Land Records in Book 40895 page 13; Parcel 37, recorded in Book 42279 page 569; Parcel 71, recorded in Book 41654 page 435; and Lot 1 of the Mussante Subdivision, recorded in Plat Book NLP 108 Plat No. 72. The property is located in Tax Map 62, Grids E1 and E2. The property is also subject to the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (master plan).

The property is in the Residential Estate (RE) Zone. However, this preliminary plan of subdivision (PPS) was reviewed in accordance with the Prince George’s County Zoning Ordinance and Prince George’s County Subdivision Regulations effective prior to April 1, 2022 (the “prior Zoning Ordinance” and “prior Subdivision Regulations”), pursuant to Section 24-1900 *et seq.* of the current Subdivision Regulations. Therefore, this PPS was reviewed pursuant to the standards of the prior version of the Residential Estate (R-E) Zone for the property, which was effective prior to April 1, 2022.

The subject property currently features two single-family detached dwellings, two barns, a trailer, and a cell tower. All existing structures, except for the cell tower, will be razed. This PPS allows for subdivision of the property into eight lots and two parcels for development of eight single-family detached dwelling units and 117,355 square feet of institutional development. One of the two parcels, Parcel 1, will be used for the institutional development (a proposed church) while the other, Parcel A, will be conveyed to a homeowners association and used for stormwater management. Existing Lot 1 is subject to prior PPS 4-80152; however, the majority of the site has never been the subject of a PPS. Therefore, a PPS is required for the division of land, the construction of multiple dwelling units, and the construction of more than 5,000 square feet of nonresidential uses.

The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on April 22, 2022. In accordance with Section 24-1904(b), the applicant provided a statement of justification dated October 3, 2024, which includes an explanation of why they are electing to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-071.

The subject PPS has an accompanying Type 1 Tree Conservation Plan, TCP1-022-2024. The PPS was accepted for review prior to July 1, 2024, and therefore, the TCP1 was reviewed in accordance with the version of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) in effect immediately prior to July 1, 2024. The applicant filed a request for a variance to Section 25-122(b)(1)(G) of the prior WCO, to allow removal of four specimen trees. This request is discussed further in the Environmental finding of this resolution.

The applicant also filed a request for a variation from Section 24-121(a)(3) of the prior Subdivision Regulations, to allow two points of direct driveway access onto Mount Oak Road, an arterial roadway. This request is discussed further in the Transportation finding of this resolution.

3. **Setting**—The site is within Planning Area 74A. North of the site is Mount Oak Road, with a church and single-family detached dwellings in the RE Zone (formerly R-E Zone) beyond. West of the site is Church Road, with vacant wooded land in the Agricultural-Residential Zone (formerly Residential-Agricultural Zone) beyond. South of the site are two single-family detached dwellings and the Mullikin’s Delight historic site, all in the RE Zone (formerly R-E Zone). Southeast of the site are single-family detached dwellings in the Tall Oak Estates subdivision, zoned RE (formerly R-E). The Tall Oak Estates subdivision features Dew Drive, which will extend onto the subject property, to serve the residential lots.
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	EXISTING	EVALUATED
Zones	RE	R-E
Use(s)	Residential and Agricultural	Residential and Institutional
Acreage	31.52	31.52
Parcels	3	2
Lots	1	8
Dwelling Units	2	8
Gross Floor Area (nonresidential)	0	117,355 sq. ft.
Subtitle 25 Variance	No	Yes, Section 25-122(b)(1)(G)
Variation	No	Yes, Section 24-121(a)(3)

The subject PPS (4-23041) was accepted for review on June 28, 2024. Pursuant to Section 24-119(d)(2) of the prior Prince George’s County Subdivision Regulations, the PPS was reviewed by the Subdivision and Development Review Committee (SDRC), which held a meeting on July 19, 2024, at which comments were provided to the applicant. The requested variation from Section 24-121(a)(3) of the prior Subdivision Regulations was received on June 28, 2024, alongside the PPS, and was also reviewed at the SDRC meeting on July 19, 2024. Revised plans and information were received on September 27, 2024, and October 3, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—Existing Lot 1 was subject to PPS 4-80152, which was approved on October 9, 1980, for one lot. This PPS supersedes 4-80152 for the area of existing Lot 1. There are no previous development approvals which apply to the remaining property.
6. **Community Planning**—The 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

Plan 2035

Plan 2035 places this property in the Established Communities. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development (page 20).” Plan 2035 considers it “vital” that the County “support its Established Communities (page 75).” In addition, the plan notes that “Established Communities make up the County’s heart—its established neighborhoods, municipalities, and unincorporated areas outside designated centers, (page 106)” and “Urban design is equally relevant to the planning and design of urban and suburban Established Communities as it is to rural areas (page 196).”

Master Plan

The master plan recommends residential low land use on the subject property. Residential low land use is defined as residential areas with more than 0.5 and up to 3.5 dwelling units per acre, with primarily single-family detached dwellings (page 49).

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations within the plan no longer appropriate, no longer applicable, or the Prince George’s County District Council has not imposed the recommended zoning. The residential portion of the site consists of 9.95 acres. The included eight dwelling units results in a residential density of 0.80 dwelling units per acre, which conforms with the recommended land use and density of the master plan. Though residential low land use areas consist primarily of single-family detached dwellings, other uses may be permitted based on the zoning of the subject property. The evaluated institutional land use (a place of worship) is permitted by right in the R-E Zone. Therefore, the proposed development conforms with the recommended land use.

The master plan recommends the following policies and strategies to advance the intent and purpose of the plan. The policies are listed below in **bold** text, and findings regarding each policy are given in plain text:

Transportation and Mobility

Policy TM 2: All streets in Bowie-Mitchellville and Vicinity should accommodate traffic at Plan 2035-recommended levels of service (LOS) (page 113).

TM 2.2 Design all streets in the Established Communities of Bowie-Mitchellville and Vicinity to allow operation at LOS D (page 113).

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. Therefore, the property was evaluated according to a Level-of-Service D standard with approved Certificate of Adequacy ADQ-2023-071. The ADQ includes appropriate conditions to ensure traffic adequacy.

Policy TM 11: Diversify how parking is provided to create a vibrant and connected built environment (page 127).

TM 11.2 Formalize, stripe, and/or barrier-separate pedestrian pathways in surface and structured parking lots. Strive to eliminate pedestrian activity in drive aisles through alternative pathways, signage, and education (page 127).

Parking will be evaluated at the time of permitting and will be required to conform to the requirements of the prior Prince George's County Zoning Ordinance. Direct pedestrian pathways connecting from the roadway frontages to the internal parking and church building entrances are required with this PPS; these pathways will help eliminate pedestrian activity in drive aisles.

Housing and Neighborhoods

Policy HN 3: Encourage exterior home improvements that enhance the appearance and perceived safety of neighborhoods (page 154).

HN 3.3 Implement Crime Prevention Through Environmental Design (CPTED) strategies with new and redeveloped projects that include unobstructed pedestrian-friendly sidewalks, well-lit parking areas, building entrances and yards, and well-maintained landscaping and common areas (page 155).

The applicant is encouraged to incorporate Crime Prevention Through Environmental Design strategies into the building and site design at the time of building permit. Pedestrian-friendly sidewalks are required and further discussed in the Transportation section of this resolution. The lighting of the church's parking areas will be required to conform to Section 27-562 of the prior Zoning Ordinance. Landscaping of both the church parcel and the residential area will be required to conform to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance to the applicable requirements will help meet this policy and strategy.

Additional relevant master plan policies related to master-planned rights-of-way, the environment, and bicycle and pedestrian friendly development are listed and addressed in the Environmental and Transportation findings of this resolution, respectively. The PPS was found to conform to the relevant policies and strategies of the master plan, based on the findings given throughout this resolution.

Sectional Map Amendment/Zoning

The 2024 *Approved Bowie-Mitchellville and Vicinity Sectional Map Amendment* retained the subject property in the RE Zone. However, this PPS was reviewed pursuant to the prior R-E zoning, which was in effect for the site prior to April 1, 2022.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (32054-2024-SDC) was submitted with the subject PPS. SWM features include three submerged gravel wetlands, an underground stormwater storage facility, several micro-bioretenion facilities and bioswales, and several dry wells in the residential portion of the project. No further information is required regarding SWM with this PPS.

Development of the site, in conformance with the SWM concept plan once approved, and any subsequent revisions, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations as they pertain to public parks and recreational facilities.

Master Plan Conformance

The proposed development has no impact on the master plan's park and open space recommendations. The master plan indicates there are 64 public parks within the planning area, owned and operated by both the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the City of Bowie (page 168). The master plan emphasizes the provision of recreational facilities and services for residents.

Park and recreation amenities serving the subject property include the Collington Branch Stream Valley Park, developed with trails; the Collington Station Park, developed with multi-purpose fields; North Oak Park, developed with soccer fields; Spring Lake Park, developed with areas for baseball, soccer, playground, and picnic; and the Mitchellville South Park, developed with pickleball courts, basketball, baseball, and soccer fields, and a playground.

Subdivision Regulations Conformance

Sections 24-134 and 24-135 of the prior Subdivision Regulations, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private recreational facilities to meet the park and recreation needs of the residents of the subdivision. The PPS includes eight residential lots. Based on the permissible density of development under the zoning, five percent of the net residential lot area could be required to be dedicated to M-NCPPC for public parks, which equates to 0.51 acre. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. Therefore, the 0.51 acre of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed.

The recreational guidelines for Prince George's County also set standards based on population. The projected population for the development is 21 new residents. Per Section 24-135, the Prince George's County Planning Board may approve the payment of fees in place of parkland dedication. The available records indicate that a fee-in-lieu of mandatory parkland dedication was

previously paid for existing Lot 1. The area of this lot roughly corresponds in location to Lot 6 of the PPS. Two of the residential lots (Lots 5 and 6) are exempt from the mandatory parkland dedication requirement per Section 24-134(a)(3)(B) of the prior Subdivision Regulations because the net lot area of each lot exceeds one acre. Six of the eight lots (Lots 1–4, 7, and 8), each of which are less than an acre in size, are on land that has not been previously subject to mandatory parkland dedication. The payment of a fee-in-lieu of the mandatory dedication of parkland for every residential lot less than one acre in area, is approved.

The provision of a fee-in-lieu for every residential lot less than one acre in area will meet the requirements of prior Subtitle 24, as it pertains to parks and recreation facilities.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the master plan, and the prior Subdivision Regulations to provide the appropriate transportation facilities.

Master Plan Right-of-Way

The subject property has frontage on Mount Oak Road (A-26), an arterial roadway with an ultimate 120-foot-wide right-of-way along the portion that fronts the subject property. The PPS shows sufficient right-of-way dedication to demonstrate 66 feet of right-of-way width from the road centerline, which meets the master plan requirements. The PPS also shows proposed vacation of two portions of the existing right-of-way, to ensure a consistent width between the road centerline and the property frontage.

The site also has frontage along Church Road (C-300), a master-planned collector roadway with a 90-foot-wide ultimate right-of-way. The PPS shows sufficient right-of-way dedication to demonstrate a minimum 45 feet of right-of-way width from the road centerline, to meet the right-of-way width requirements.

The PPS also shows dedication of 26,378 square feet of land to extend Dew Drive with a 60-foot-wide right-of-way, terminating in a cul-de-sac, to serve the residential lots.

The dedication of public right-of-way, as shown on the PPS, conforms to the requirements of the master plan and will be adequate to serve the additional traffic generated by the project, with the dedication and widening of Church Road (C-300) to serve the institutional development, and the dedication and extension of Dew Drive to serve the residential development.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends sidepaths along the frontages of Mount Oak Road and Church Road. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

To meet the recommendations of the MPOT and master plan, 10-foot-wide shared-use paths shall be provided along the property's frontages of Mount Oak Road and Church Road, and internal pedestrian connections shall be provided throughout the site and to the roadway frontages, including continental-style crosswalks and Americans with Disabilities Act-compliant curb ramps. Five-foot-wide sidewalks along Dew Drive, to serve the residential development, shall also be provided. In addition, bicycle parking is required near all building entrances for the church facilities. The required facilities and amenities will create new continuous connections to adjacent properties and fulfill the intent of the MPOT policies.

Although the PPS shows shared-use paths along the Mount Oak and Church Road frontages, the applicant provided an access exhibit with the PPS showing modifications to these shared-use paths. The exhibit showed that, along Mount Oak Road, the shared-use path be replaced with a 5-foot-wide sidewalk between the intersection of Mount Oak Road and Church Road and the western site entrance on Mount Oak Road. It further proposed that the shared-use path be reduced to 8 feet wide east of this site entrance to the eastern tip of the site. Along Church Road, the exhibit proposed that the shared-use path be replaced with a 5-foot-wide sidewalk. It further proposed elimination of the sidewalk where there is an existing culvert that the sidewalk would otherwise have to bridge, with pedestrian connectivity, to instead be provided through the existing bicycle path along Church Road for a brief span. While 10-foot-wide shared-use paths should be provided along both roadways to meet the recommendations of the master plan, there are topographic issues that may make implementation of the full pathway width impractical. These may justify the permitting agency modifying the requirement for 10-foot-wide shared-use paths, at the time of permitting. The existing bicycle paths along the road frontages will allow continued bicycle connectivity along the road frontages, should this occur.

The master plan contains the following recommendations which are relevant to the subject site. The recommendations are listed below in **bold** text, and findings regarding each recommendation are given in plain text:

Policy TM 3: Enhance active transportation infrastructure to create greater quality of life and attract businesses and employees (page 113).

TM 3.1 Ensure all streets in Bowie-Mitchellville and Vicinity's Centers and Established Communities have sidewalks (page 113).

TM 3.3 Provide marked crosswalks on all legs of all intersections.

TM 3.8 Consistent with the AASHTO Guide for the Development of Bicycle Facilities, provide a minimum of four short-term bicycle parking spaces at all nonresidential properties; provide a minimum of four long-term bicycle parking spaces at all nonresidential properties larger than 50,000 feet of gross floor area (page 114).

The required sidewalks, crosswalks, and bicycle parking will meet the intent of this policy. The specific quantity of bicycle parking to be provided will be evaluated with the permit plans.

Policy TM 4: All streets within a half-mile of each school should incorporate active transportation and pedestrian/bicycle safety features (page 115).

TM 4.1 Seek opportunities to construct sidewalks on all streets within a half-mile of a school. All intersections within a half-mile of all schools should have marked crosswalks on all legs and appropriate signage (page 115).

TM 4.3 Within one-half mile of all schools, provide protected bicycle facilities, such as cycle tracks and shared-use paths, on all roadways classified as collector or above to facilitate student bicycle commuting (page 115).

TM 4.4 Provide in-road bicycle facilities with separation from motor vehicle traffic on all roads within one-half mile of a school to facilitate bicycle commuting (page 115).

The site is located less than half a mile away from a school located to the south, at 2112 Church Road. The required shared-use paths along Mount Oak Road and Church Road will facilitate bicycle commuting to the school, though an extension of the Church Road sidepath will ultimately be needed at a future time, to reach the school site. Since Mount Oak Road and Church Road are arterial and collector roadways, respectively, the off-road shared-use paths are more desirable than in-road bicycle facilities for the safety of the bicyclists. An in-road bicycle facility would also not be needed along Dew Drive because it is shown as a cul-de-sac, with very limited traffic.

Policy TM 7: Develop a comprehensive shared-use path network in Bowie-Mitchellville and Vicinity to provide additional connectivity and travel options (page 116).

TM 7.1 Construct the pedestrian and bicycle recommendations in Appendix D. Recommended Master Plan Transportation Facilities, which include facilities along roadways as well as shared-use paths independent from the roadway and reflect coordinated and reconciled recommendations outlined in the City of Bowie Trails

Master Plan, the M-NCPPC Department of Parks and Recreation (DPR) Strategic Trails Plan, and the MPOT (page 116).

Appendix D of the master plan recommends Church Road (C-300), from Mount Oak Road to MD 214 (Central Avenue), to be a 90-foot-wide collector roadway with 10-foot-wide minimum shared-use paths in both directions, with 2 travel lanes. Appendix D also recommends Mount Oak Road (A-26), from Mitchellville Road to Church Road, to be a 120-foot-wide arterial roadway with 10-foot-wide minimum shared-use paths in both directions, with 2 travel lanes. The included right-of-way dedication and the required shared-use paths will allow these recommendations to be met.

Based on the above, the relevant bicycle and pedestrian recommendations of the master plan will be met.

Access and Circulation

The development is divided into two parts: the institutional development on Parcel 1, and the residential development on Lots 1–8. Findings regarding the access and circulation of each part are given below.

Institutional Development

The institutional development on Parcel 1 will be accessed via one driveway onto Church Road and two driveways onto Mount Oak Road. Section 24-121(a)(3) requires that lots on land adjacent to an existing or proposed roadway of arterial or higher classification be designed to front on either an interior street or service roadway. Parcel 1 does not front on Dew Drive, any other interior street, or a service roadway. Instead, Parcel 1 fronts on and takes direct access from Mount Oak Road, an arterial roadway. The applicant requested a variation from Section 24-121(a)(3), to allow this access.

Section 24-113(a) of the prior Subdivision Regulations sets forth the required findings for approval of variation requests, as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The PPS shows one full movement access onto Church Road, and two access points onto Mount Oak Road; one of which will be full movement and the other

right-in/right-out only. The applicant was asked to analyze the impact of the access points to the adjoining road network using two alternative scenarios: one with only one access point onto Mount Oak Road, and a second scenario with no access point onto Mount Oak Road. The applicant's analysis concluded that one access point onto Mount Oak Road will operate at an unacceptable level, based on M-NCPPC's *Transportation Review Guidelines*, and instead two access points are needed to reduce delay and queuing. Similarly, requiring all access to the church to be from Church Road (no access to Mount Oak Road) would also cause unacceptable delays and queuing. Therefore, not granting the variation could be injurious to public safety, health, or welfare, or injurious to other property. Therefore, the right-in/right-out access and full-movement access points to Mount Oak Road will not be detrimental to the adjacent properties, and will allow the majority of the traffic to circulate through the site without negatively impacting the neighborhood, to the benefit of the public safety and welfare.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The corner location and existing woodlands on-site create conditions not applicable generally to other properties. Based on the access point analysis, excessive queuing is likely to occur on Church Road if only one access point is permitted to the site. To minimize the impact to Church Road and Mount Oak Road, the two access points to Mount Oak Road are needed. There are steep slopes and specimen trees located in the central portion of the site, which restrict the ability to provide access from the residential portion of the development via Dew Drive. Furthermore, such access would cause congestion in the adjoining Tall Oak Estates neighborhood by forcing church traffic onto local residential streets. For these reasons, this criterion is met.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The approval of a variation from Section 24-121(a)(3) is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. There are no laws, ordinances, or regulations that would be violated by this request. The design of the access points will require approval by the permitting agency, which will ensure that any other applicable regulations are met.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

As discussed above, the subject property is a corner lot, with frontage on an arterial and a collector roadway. If the strict letter of this regulation were carried out, requiring access only from Church Road, then Church Road would experience excessive queuing and perform at an unacceptable level during the peak hour of Sunday service. In addition, the above-mentioned on-site environmental features, including the steep slopes and specimen trees, prevent the applicant from providing access via the extension of Dew Drive from the east. Providing access via Dew Drive would require extensive grading and require more specimen trees to be requested for removal. Access to the proposed church facilities is not recommended to be provided via Dew Drive because providing access from Dew Drive would create cut-through traffic to the church through the adjacent Tall Oak Estates residential neighborhood. Prohibiting access to Mount Oak Road would create a particular hardship for the owner if the strict letter of the regulations were carried out and the two direct access points to Mount Oak Road were denied.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is not located in any of the above-listed zones. Therefore, this finding is not applicable.

The purposes of the prior Subdivision Regulations are served to a greater extent by the alternative proposal, as the variation will provide for the safety and general welfare of visitors to the property, and allow for the most beneficial relationship between the subdivision and the circulation of traffic. This request will not have the effect of nullifying the intent and purpose of this Subtitle or Section 9-206 of the Environment Article, as the facilities required and provided herein will help ensure the property and surrounding properties are protected from adverse transportation impacts. Based on the preceding findings, the requested variation from Section 24-121(a)(3), for two direct access driveways to Mount Oak Road, an arterial roadway, is approved.

Residential Development

The residential portion of the development is to be accessed via an extension to the existing Dew Drive, terminating in a cul-de-sac. The extension is shown as a public right-of-way. It is noted that the subject property abuts the City of Bowie (City) along its southeastern boundary line, and that the Dew Drive Road extension will only be accessed from within the City, but would not actually be within the municipal limits of the City. The applicant shall determine whether the City or the Prince George's County Department of Public Works and Transportation (DPW&T) will be the responsible operating agency for this road extension. Maintenance by the City may require annexation of the road right-of-way, and possibly the residential lots fronting it, into the City

limits. There were existing examples of streets near the City that were maintained by the County, even though they could only be accessed through the City (Secretariat Drive via city-maintained Dunwood Crossing Drive), and the applicant offered the opinion that such a scenario is not atypical. The subject PPS was referred to both operating agencies. A letter was received from the Bowie City Council dated November 5, 2024 (Adams to Shapiro), in which the City Council recommended disapproval of the PPS. This letter is discussed further in this resolution. However, referral comments from DPW&T were not received.

The overall property's frontage on Mount Oak Road is more than 750 feet long. Therefore, a walkway with a 10-foot-wide right-of-way may be required through the block, pursuant to Section 24-121(a)(9) of the prior Subdivision Regulations. A sidewalk and an associated 10-foot-wide public use easement shall be provided from the Dew Drive cul-de-sac to Mount Oak Road. This will provide pedestrian connectivity from Dew Drive to Mount Oak Road, and link the sidewalks required along Dew Drive and the shared-use path along Mount Oak Road into a shared pedestrian network. However, if the permitting agency does not require a shared-use path or other walkway along Mount Oak Road, this connection shall not be provided. The connection shall be omitted to avoid the sidewalk terminating on the arterial road without a safe continuation of the pedestrian network. The sidewalk and the associated public use easement shall be maintained by the homeowners association.

Based on the findings presented above, multimodal transportation facilities will exist to serve the subdivision, as required under prior Subtitle 24 of the Prince George's County Code, and will conform to the MPOT and master plan.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5). The master plan contains a contains a Public Facilities Section that establishes the following public facility goals for the master plan area:
1. **All students have quality educational instruction in modern facilities** (page 176).
 2. **High-quality, well-maintained public facilities catalyze economic development and revitalization, stimulate employment growth, strengthen neighborhoods, and improve quality of life** (page 176).
 3. **Fire and emergency medical services (EMS) respond areawide in established response times** (page 176).

The development will not impede achievement of the above-referenced goals. This PPS is subject to ADQ-2023-071, which established that pursuant to adopted tests and standards, police facilities are adequate to serve the development, and the public schools serving the development have available capacity. Mitigation may be provided for fire and emergency medical services not being able to reach the site within the established response times. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property, in the master plan.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect the subject site.

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 4, “Community System Adequate for Development Planning.” The applicant will need to file for and obtain an administrative amendment from Category 4 to 3, prior to approval of a final plat. In addition, the property is within Tier 2 of the Sustainable Growth Act. Tier 2 includes those properties that are planned to be served by public sewerage systems in the future. The subject property is in the appropriate service area for PPS approval.

11. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for public utility easements (PUEs) is a minimum of 10 feet wide along both sides of all public rights-of-way. The site abuts the public rights-of-way of Church Road and Mount Oak Road. The required PUEs are shown along these roadways. In addition, the PPS includes a new public right-of-way for the extension of Dew Drive. A PUE is shown on both sides of this public right-of-way. The PUEs meet the standard requirements.

12. **Historic**—The Historic Preservation Commission (HPC) reviewed the subject PPS at its meeting on October 15, 2024. The HPC voted 6-0 to recommend to the Planning Board approval of the PPS, with no conditions.

The subject property is adjacent to Mullikin’s Delight and Cemetery, Historic Site 74A-010. Built in the early 18th century, with portions constructed circa 1800, Mullikin’s Delight consists of two small frame cottages connected by a passage. Mullikin’s Delight represents one of the earliest plantations established in the county and was owned and occupied by the Mullikin family for six generations, with several family members buried in the small graveyard near the house.

The subject property and Mullikin’s Delight and Cemetery, Historic Site 74A-010, were both zoned R-E under the prior Zoning Ordinance. The two properties share a property boundary of approximately 600 feet. Mullikin’s Delight and Cemetery has an environmental setting of 15.82 acres, with the historic structure located towards the southern boundary. The historic site is largely forested with some open space, agricultural fields, and reforestation areas.

Per the Landscape Manual, the development requires a Type E buffer (60 feet minimum setback, 50 feet minimum landscaped yard, and 180 plant units required per 100 linear feet of property line) along the entire shared property line with the historic site. The applicant provided an exhibit

showing the required 50-foot buffer at this location, and stated that further details of the buffer will be provided, at the time of permit. A Type E landscape buffer is found sufficient to visually buffer the development from the historic site.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated the probability of archeological sites within the developing property is high. A Phase I archeology survey was conducted, with a total of 252 shovel test pit (STP) locations established at 50-foot intervals across the property. Study Areas 1, 3, and 4 contained no cultural material. Study Area 2 covered 4.5 acres of level to gently sloped fallow fields around a derelict tobacco barn and was located immediately east of the recently razed Ingalls-Beall House (Documented Property 74A-22), at the principal entry into the property. A total of 58 STPs were excavated over 9 transects. Twentieth-century domestic and architectural debris were recovered from STPs located along Transects A and C and are associated with the extant barn and razed house lot. Study Area 5 comprised 0.89 acre of an approximately 1.1-acre level house lot covered in tall grasses around several specimen trees and derelict fences and shipping containers. A total of 17 STPs were excavated along 3 transects. Artifacts recovered include 20th-century domestic (white earthenware, vessel glass) and architectural (machine-cut nail, window glass) debris in largely disturbed soils. No historically significant archaeological deposits were encountered, and no archaeological sites were identified in the Phase I archaeology survey. No further archaeological investigations were required by the consulting archeologist. No additional archaeological investigations are necessary on the subject site.

The master plan contains goals and policies related to historic preservation (pages 157 through 165). However, these are not specific to the subject site.

13. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-049-2022	N/A	Staff	Approved	4/13/2022	N/A
4-23041	TCPI-022-2024	Planning Board	Approved	12/5/2024	2024-129

Applicable Woodland Conservation Ordinance

This site is subject to the provisions of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the 2018 Environmental Technical Manual (ETM) because this is a new PPS and was accepted prior to July 1, 2024. The project is also subject to the environmental regulations contained in prior Subtitles 24 and 27.

Site Description

In the past, the site was primarily used for agriculture. Two houses are also located on-site near Mount Oak Road, as well as a monopole tower, centrally located along the southern property line. The site does not contain any wetlands of special state concern. As identified by the Maryland Department of Natural Resources (DNR), the western portion of the site is in the Northeast

Branch watershed, and the eastern portion of the site is in the Collington Branch watershed; both watersheds drain into the Western Branch. The Western Branch watershed is identified by DNR as a Stronghold watershed. The site fronts on Church Road, designated by the MPOT as a collector roadway, and Mount Oak Road, which is designated as an arterial roadway. Both roadways are classified as scenic and historic roads.

Plan 2035

The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and within the Established Communities of the General Plan Growth Policy in Plan 2035.

Environmental Conformance with Applicable Plans

Master Plan Conformance

The following policies from the master plan are applicable to the current project regarding natural resources preservation, protection, and restoration. The text in **BOLD** is text from the master plan, and the plain text provides comments on plan conformance.

Natural Environment Section

Green Infrastructure

Policy NE 1: Ensure that areas of connectivity and ecological functions are maintained, restored, or established during development or redevelopment.

There are no regulated environmental features (REF) found on-site. The areas of woodland preservation, afforestation, and natural regeneration along the southern property line will remain connected and will connect to woodlands abutting this property. This will ensure that areas of connectivity and ecological functions will be maintained, restored, or established during development. The PPS is found to be in conformance with the 2017 *Countywide Green Infrastructure Plan (GI Plan) of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, as discussed below.

Policy NE 2: Preserve, in perpetuity, Nontidal Wetlands of Special State Concern (NTWSSC) within Bowie-Mitchellville and Vicinity (see Map 41. Nontidal Wetlands of Special State Concern (NTWSSC)—2017).

There are no Nontidal Wetlands of Special State Concern within the vicinity of this property, as mapped on Map 41 of the master plan.

Policy NE 3: Proactively address stormwater management in areas where current facilities are inadequate.

The SWM concept plan is currently under review with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). A final SWM design

plan in conformance with County and state laws will be required prior to issuance of any grading permits for this site. The SWM concept plan proposes five bioswales, two micro-bioretenment facilities, two underground storage facilities, three submerged gravel wetlands, and two drywells to manage stormwater generated from the site.

Forest Cover/Tree Canopy Coverage

Policy NE 4: Support street tree plantings along transportation corridors and streets, reforestation programs, and retention of large tracts of woodland to the fullest extent possible to create a pleasant environment for active transportation users including bicyclists and pedestrians.

Development of this site is subject to the WCO requirements and the 2024 Tree Canopy Coverage Ordinance. The Type 1 tree conservation plan (TCP1) submitted with the PPS shows the use of various ways to meet the majority of woodland conservation requirements on-site, as discussed further in the woodland conservation section below. Street tree planting requirements will be reviewed by DPW&T at the time of permit review.

Impervious Surfaces

Policy NE 5: Reduce urban heat island effect, thermal heat impacts on receiving streams, and reduce stormwater runoff by increasing the percentage shade and tree canopy over impervious surfaces.

Development of this site will be subject to the WCO requirements and the 2024 Tree Canopy Coverage Ordinance. This project provides woodland preservation and afforestation on-site. The presence of woodland and tree canopy, particularly over asphalt and other developed surfaces, are proven elements to lessen climate impacts of development and the associated heat island effect. Street tree planting requirements will be reviewed by DPW&T, at the time of permit review. Development of the site will be subject to the current SWM regulations, which require that environmental site design be implemented to the maximum extent practicable.

Climate Change

Policy NE 6: Support local actions that mitigate the impact of climate change.

Development of this site is subject to the WCO and the 2024 Tree Canopy Coverage Ordinance for the zone. The presence of woodland and tree canopy, particularly over asphalt and other developed surfaces, are proven elements to lessen climate impacts of development and the associated heat island effect, which are known contributors to climate change. This project provides woodland preservation and afforestation on-site. Street trees and landscape trees will be evaluated at the time of permit review.

Conformance with the Green Infrastructure Plan

The GI Plan was approved with the adoption of the *Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Resource Conservation Plan), in 2017.

According to the GI Plan and the Resource Conservation Plan, the eastern, southern, and western portions of the project area are identified as being in an evaluation area. There are no regulated areas located on this site. Based on the site layout shown on TCP1, the project demonstrates substantial conformance with the applicable policies and strategies of the GI Plan.

The following policies and strategies are applicable to the subject PPS. The text in **BOLD** is text from the GI Plan, and the plain text provides findings on plan conformance:

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
 - a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
 - d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**
- 1.2 **Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
 - a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

No REF are found on-site; however, the areas of woodland preservation, afforestation, and natural regeneration along the southern property line will remain connected and will connect to woodlands abutting this property. This will ensure that areas of connectivity and ecological functions will be maintained, restored, or established during development. The western portion of the property is within the Northeast Branch of the Western Branch watershed, which flows into the Patuxent River. The eastern portion of the property is within the Collington Branch, which is also in the Western Branch watershed. This site is not within a Tier II catchment area but is in a Stronghold watershed. SWM will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County Soil Conservation District. The limits of disturbance shown on the SWM plans and the sediment and erosion control plans shall be consistent with the limits of disturbance on the future Type 2 tree conservation plan (TCP2).

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The eastern, southern, and western portions of the site are in the evaluation area of the GI Plan and there are no regulated areas on-site. Network gaps were not identified on the property. There are no primary management areas (PMA) on this site.

A TCP1 was provided with this PPS, which shows that the required woodland conservation requirement will be met through both on-site methods and off-site woodland mitigation credits, as further discussed in the woodland conservation section below.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No transportation-related impacts to the green infrastructure network are included with the subject PPS.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

This site is not contiguous with any parks or trail systems abutting residentially developed properties. Shared-use paths are required along the frontages of the site, on Church Road and Mount Oak Road; however, these shared-use paths will not impact any regulated areas.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

There is no PMA on-site, and therefore, no conservation easements will be required. On-site woodland conservation shall be placed in a woodland and wildlife habitat conservation easement prior to the approval of the subsequent TCP2.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

There are no REF located on-site or in the vicinity. The project has not received SWM concept approval, but is in review with DPIE. The TCP2 shall match the SWM concept plan, when approved.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

The overall site will be cleared and graded pursuant to Subtitle 32 requirements. The TCP1 provided with this PPS shows that the required woodland conservation requirement will be met through both on-site methods and off-site woodland mitigation credits; the use of fee-in-lieu is not approved. See the Woodland Conservation section for more details. Landscaping and tree canopy coverage (TCC) requirements will be evaluated at the time of permit review.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Development will primarily be in areas of existing open space and previously developed areas of the site. The area between the proposed church and the residential lots will retain the existing woodland and will be reforested using methods to protect the forest edge. No forest interior dwelling species are present on this site, or in the surrounding area. Green and open space is encouraged to serve multiple eco-services. The planting of native species on-site is required by

the Landscape Manual, which can count toward the TCC requirement for the development. TCC will be evaluated with the permit site plan.

Environmental Review

Natural Resources Inventory

A Natural Resources Inventory (NRI-049-2022) Plan was approved on April 13, 2022, and was provided with this PPS. A review of the available information indicates that there are no REF on-site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, and used on PGAtlas, there are rare, threatened, or endangered species found to occur on the southwestern portion of this property. During the NRI plan review process, a letter dated December 3, 2021, from the DNR Wildlife and Heritage Service was provided. This DNR letter states that there are no known rare, threatened, or endangered species found to occur on or near this property and did not indicate that forest interior dwelling species are present. Six specimen trees are located on this site.

Woodland Conservation

This site is subject to the provisions of the WCO and ETM because this is a new PPS that was accepted for review prior to July 1, 2024. TCP1-022-2024 was submitted with the PPS and requires minor revisions to be found in conformance with the WCO.

Based on the TCP1 submitted with this PPS, the site's gross area is 31.47 acres, containing 3.40 acres of woodland in the net tract. The site has a woodland conservation threshold of 7.87 acres (25 percent). The woodland conservation worksheet shows the removal of 1.90 acres of woodland in the net tract area for a woodland conservation requirement of 8.19 acres. It is noted that the gross area shown on the TCP1 is inconsistent with that noted on the PPS (31.52 acres) and that this discrepancy shall be resolved prior to signature approval of the plans.

According to the worksheet, the woodland conservation requirement will be met with 0.59 acre of on-site woodland preservation, 3.65 acres of afforestation, 1.27 acres of natural regeneration, 0.46 acre of landscape credits, 0.33 acre of specimen tree credits (which are credited twice), and 1.56 acres of off-site woodland conservation mitigation credits. The forest stand delineation has identified six specimen trees on-site. This PPS proposed the removal of four specimen trees.

Section 25-122(c)(1) of the WCO prioritizes methods to meet woodland conservation requirements. The applicant submitted a statement of justification (SOJ) on June 28, 2024, requesting approval of off-site woodland conservation, as reflected on the TCP1 worksheet. The applicant stated that, to meet the development goals of building a church and eight residential lots, along with the infrastructure to support this development, woodlands will need to be cleared. The site will retain 0.59 acre of woodland and be replanted with 3.65 acres of afforestation/reforestation and 1.27 acres of natural regeneration. Credits will be used for the specimen trees that will remain on residential Lots 1 and 3, and which are not included in the woodlands. Along the property frontage on Mount Oak Road, 0.46 acre of landscape credits are shown. To meet the remainder of woodland conservation requirement, the applicant requested the use of 1.56 acres off-site woodland conservation credits. The use of off-site credits is approved,

as the applicant has sufficiently shown that they will provide 6.63 acres of the 8.19-acre woodland conservation requirement on-site and will meet the 2.89 acres afforestation threshold requirement.

Regulated Environmental Features

REF are required to be preserved and/or restored to the fullest extent possible under the Environmental Standards of Section 24-130 of the prior Subdivision Regulations. No REF were found on the subject property.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved, and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the [Environmental] Technical Manual.” The code, however, is not inflexible.

The authorizing legislation of the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16, of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George’s County’s WCO are set forth in Section 25-119(d). Section 25-119(d)(4) of the WCO clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance was submitted for review with this PPS. The approved NRI-049-2022 identifies six specimen trees on-site. In a SOJ dated September 26, 2024, the applicant requested to remove four specimen trees identified as Specimen Trees ST-3 through ST-6. The trees proposed for removal are in poor to good condition. The TCP1 shows the location of the specimen trees proposed for removal.

The following analysis is a review of the request to remove the four specimen trees (ST-3, ST-4, ST-5, and ST-6). Specimen Trees ST-4, ST-5, and ST-6 are located near an existing trailer on the site that will be removed, and the area will be redeveloped into a parking lot for the proposed church. The fourth tree to be removed is located further south of the other three specimen trees and will be removed to build the parking lot for the church and a proposed athletic field.

The removal of the four specimen trees is approved, based on the findings below. Section 25-119(d) contains six required findings (text in **bold**) to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below:

(A) Special conditions peculiar to the property have caused the unwarranted hardship

Special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the four specimen trees identified as ST-3, ST-4, ST-5, and ST-6. The site is mainly fallow fields with three residences, barns, and a

monopole. Woodlands are located along the eastern and southeastern perimeter of the site. The special conditions relate to the specimen trees themselves, such as their size, condition, species, and on-site location. Specimen Trees ST-4, ST-5, and ST-6 are located outside of the woodlands, near an existing trailer and driveway which need to be removed, as this is the most developable portion of the property to provide adequate parking and circulation for the proposed use. The location of the existing driveway was utilized for the new access point to Parcel 1. Further, the proposed church building, parking, and athletic field are to be located to avoid unnecessary clearing of existing woodlands further to the south. These three specimen trees cannot be saved as a consequence.

The fourth Specimen Tree, ST-3, is located outside of any woodlands, is in the area of a proposed athletic field, and has a critical root zone which will be impacted by the previously mentioned parking lot. Both the athletic field and parking lot will require significant grading to ensure safe and usable facilities.

The species proposed for removal are two silver maple (ST-3 and ST-6) and two American sycamore (ST-4 and ST-5). The condition ratings of these trees range from poor to good. The silver maple trees have a poor tolerance to construction, and the American sycamore has a medium construction tolerance; however, all species of the included specimen trees have limiting factors for their construction tolerance, specifically if significant impacts are proposed to the critical root zone.

This specimen tree removal variance request was analyzed using the Woodland and Wildlife Habitat Conservation Priorities, as outlined in Section 25-121(b)(1) of the WCO:

- (1) The required locational priorities for consideration as woodland conservation are as follows in the order listed:**
 - (A) Green infrastructure network elements designated in the Countywide Green Infrastructure Plan and any subsequent updates, or within the designated green infrastructure networks in master or sector plans.**
 - (B) Critical habitat areas.**
 - (C) Contiguous wooded areas with high structural and species diversity; few nonnative and invasive species present; very good overall stand health; and high potential to provide a significant amount of habitat for forest interior dwelling plant, animal, and bird species.**
 - (D) Champion trees designated by the United States, the State of Maryland, the County or municipalities.**
 - (E) Specimen trees and historic trees.**

(F) Forest Legacy Areas as defined by the state.

(G) Trees that are within the environmental setting of a historic site or associated with a historic resource.

Based on these priorities and the uniqueness of the property siting, Specimen Trees ST-3 through ST-6 were found to be located on the developable portion of the site, and in areas necessary to meet the state and county infrastructure requirements.

The removal of these trees will allow for the development of the site that is both significant and reasonable through the creation of parking areas and roads needed for access and circulation within the site, and for the construction of a recreational area.

The specimen trees requested for removal also allow for protection of woodlands with the highest priority, as listed in Section 25-121(b)(1), to be protected to the maximum extent practicable, and allow for the development of this site to occur in the lower priority areas of the site. Requiring the applicant to retain the four specimen trees on-site by designing the development to avoid impacts to the critical root zone would further limit the area of the site available for orderly development that is consistent with the existing zoning, to the extent that it would cause the applicant an unwarranted hardship.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas with comparable zoning. The applicant seeks to develop the property in accordance with an allowable use as prescribed in the prior Zoning Ordinance. The development of property, in accordance with the Zoning Ordinance, is a right commonly enjoyed by others in similar areas.

Based on the location and species of the specimen trees proposed for removal, retaining the trees, and avoiding disturbance to the critical root zone of Specimen Trees ST-3 through ST-6, would have a considerable impact on the development potential of the property. As a result, enforcement of these rules would deprive the applicant of a right commonly enjoyed by others.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants

Not granting the variance to remove Specimen Trees ST-3 through ST-6 would prevent the project from being developed in a functional and efficient manner like other developments of similar size and use. The granting of the variance is not a special privilege that would be denied to other applicants. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of

Subtitle 25 and the ETM for site-specific conditions. Other similar developments featuring specimen trees in similar conditions and locations have been subject to the same considerations during the review of the required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The location of the trees and other natural features throughout the property is based on natural or intentional circumstances that long predate the applicant's interest in developing this site. The removal of four specimen trees would be the result of the infrastructure and grading required for the development of this project as proposed by the applicant. The request to remove the trees is solely based on the tree's location on the site.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property

The request does not stem from any existing conditions relating to land or building uses on neighboring properties. The request to remove the subject specimen trees is due to their location on the subject property and construction tolerance, as previously stated above.

(F) Granting of the variance will not adversely affect water quality

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

The required findings of Section 25-119(d) are adequately addressed for the removal of Specimen Trees ST-3 through ST-6. The requested variance for the removal of these four specimen trees for construction of a church campus is, therefore, approved.

Soils

The predominant soils found to occur on-site, according to the United States Department of Agriculture, Natural Resources Conservation Service Web Soil Survey are Adelphia-Holmdel complex, Collington-Wist complex. Neither Marlboro clay nor Christiana clays occur on or in the vicinity of this site.

Based on the preceding findings, the PPS was found to conform to the relevant environmental policies of the master plan and the GI Plan, and the relevant environmental requirements of prior Subtitle 24 and Subtitle 25.

14. **Urban Design**—The two uses evaluated for this property are permitted in the R-E Zone, by right, per Section 27-441 of the prior Zoning Ordinance. A detailed site plan is not required.

The regulations and requirements of the prior Zoning Ordinance apply to development within the R-E Zone regarding landscaping, buffering, screening, fencing, and other bulk regulations such as building setbacks. These will be evaluated at the time of permit review. The included lots and parcels meet the minimum size and frontage requirements of the R-E Zone. In addition, the residential lots are sufficiently set back from the existing cell tower, pursuant to Section 27-445.04(a)(3)(B) of the prior Zoning Ordinance. The tower monopole is 101 feet tall according to information provided with Permit 5834-2014-01, approved in April 2014.

2010 Prince George's County Landscape Manual

The proposed development is subject to the requirements of the Landscape Manual. Regarding Section 4.6 of the Landscape Manual, Mount Oak Road is classified as an arterial road, which requires a minimum 50-foot-wide buffer between residential development and the street. The PPS shows the required buffer width along Mount Oak Road, for the purpose of showing that Lots 5, 6, and Parcel A will have sufficient room for the development proposed on them when accounting for the buffer width. Conformance with the buffer requirements will be evaluated at the time of permitting.

Section 4.7 of the Landscape Manual requires a 50-foot-wide Type E bufferyard along the southern property line, where the property adjoins the Mullikin's Delight historic site. The PPS shows a 25-foot-wide bufferyard in this location, proposing that a 6-foot-high opaque fence be used to reduce the required buffer width by 50 percent. However, the Landscape Manual does not permit the bufferyard width to be reduced by an opaque fence in the Developing Tier of the 2002 *Prince George's County Approved General Plan*. The applicant provided an exhibit showing how the required 50-foot buffer width can be provided, as discussed further in the Historic Preservation finding of this resolution. Therefore, the 25-foot-wide buffer shown on the PPS shall be removed from the plan drawings. The other buffers and building restriction lines shown on Parcel 1 shall also be removed from the PPS, as these are not approved with the PPS and will be determined at the time of permitting.

15. **Noise**—The property abuts Mount Oak Road, an arterial roadway. Therefore, the applicant is required to analyze whether any noise mitigation is needed for the subject property where residential lots are proposed. The applicant conducted a preliminary noise analysis with the PPS, based on the posted speed limit and the 2024 annual average daily traffic, along the segment of Mount Oak Road adjacent to this site. The analysis concluded that the roadway would not generate more than 65 A weighted decibels (dBA) day night average sound level (Ldn) at the road centerline. Using the same information, the Prince George's County Planning Department found that the roadway would generate a 65 dBA/Ldn noise level approximately 57 feet from the centerline of the roadway, meaning that the noise contour would not extend onto the subject site.

However, the noise analysis completed by the applicant and the Planning Department is an approximation and does not meet the Department's current standards for noise analysis. No noise

study was provided with the PPS. In addition, the current standards require that noise must be mitigated to be no more than 65 dBA continuous equivalent sound level (Leq) during the hours of 7:00 a.m. to 10:00 p.m. (daytime), and no more than 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. (nighttime), in outdoor activity areas. This method of measurement establishes that the average noise level in outdoor activity areas must be no more than 65 dBA during the daytime, and 55 dBA during the nighttime. The 55 dBA/Leq nighttime noise contour will be further away from the noise generator than the 65 dBA/Ldn noise contour, and so the 55 dBA/Leq noise contour may extend onto the subject property. Private outdoor activity areas on Lots 5 and 6 are those most likely to be affected by this noise contour, though other lots may be affected as well.

The most recent noise standards also establish that noise must be mitigated to be no more than 45 dBA in the interiors of dwelling units. Standard building construction materials are capable of reducing noise levels at building exteriors of up to 65 decibels (dB), to be no more than 45 dB in building interiors. Therefore, to ensure noise levels in dwelling unit interiors remain below the required level of 45 dBA, noise mitigation will be required for any dwellings units exposed to exterior noise levels above 65 dBA/Leq. This exposure may occur during the daytime or nighttime, and at the ground or upper levels. Mitigation may consist of upgraded building materials which reduce sound transmission from outside the dwellings.

To ensure that outdoor and indoor noise mitigation is achieved at the required levels, at the time of permitting, the applicant shall submit a noise study based on the final site layout and building architecture for the residential lots. The study shall demonstrate that outdoor activity areas on the residential lots will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m., and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m., and that the interiors of dwelling units will be mitigated to 45 dBA or less. The permit plans for the residential development shall show the locations and details of any features provided for outdoor noise mitigation. The ground level mitigated 65 dBA/Leq noise contour, ground level mitigated 55 dBA/Leq noise contour, upper level mitigated 65 dBA/Leq noise contour, and upper level 55 dBA/Leq noise contour shall be delineated on the permit plans, accounting for the locations of buildings and all noise barriers. In addition, at the time of the building permit for each residential building affected by noise levels above 65 dBA/Leq, the permit shall include a certification by a professional engineer, with competency in acoustical analysis, stating that the building shell or structure has been designed to reduce interior noise levels in the dwelling units to 45 dBA or less.

Section 24-121(a)(4)

Related to the noise requirements, Section 24-121(a)(4) of the prior Subdivision Regulations requires that residential lots adjacent to an arterial road shall be platted with a minimum lot depth of 150 feet. This requirement affects Lots 5 and 6. The PPS shows that these lots will be platted with the required minimum lot depth.

16. **Community Feedback**—A representative of the Avalon-Ellerslie community in Upper Marlboro contacted the Planning Department to request information about the project and to ask if they could observe the Subdivision and Development Review Committee (SDRC) meeting for the case. The representative was provided information about what topics would be covered at the SDRC meeting, instructions on how to join the meeting, and information about how big the

church was anticipated to be in terms of square footage and number of seats. It was also confirmed that a traffic study was required for the development.

An additional inquiry was received from a stakeholder in the Bowie community, asking how to sign up to speak at the Planning Board hearing. The applicant was provided with instructions including a sign-up link and information on when speaker registration would become open.

An inquiry from another citizen in the Bowie community was received, with questions about the rescheduling of the case, the review process, how to obtain any new material, and the Maryland Public Information Act process. The citizen was provided with responses to his inquiries, to address his questions and concerns.

The Planning Department also received three emails of opposition from citizens of the community, expressing their concern primarily for the increased traffic generated by the proposed development and its impact on the local roads and the intersection of Church Road and Mount Oak Road. Additional concerns raised in the emails included clearing of existing trees on-site, and the proposed development of the property for a church. The citizens emphasized the existing residential character of the neighborhood and expressed a desire to maintain its character.

With respect to traffic, the approved certificate of adequacy evaluated the impact of this development on transportation facilities and imposed limits on peak-hour vehicle trips and requires the construction of improvements to existing roadways. Issues regarding clearing of existing woodland were evaluated for conformance with the County's WCO and are addressed in the Environmental finding of this resolution.

17. **Referral to Municipalities**—The subject property is located within one mile of the municipal boundaries of the City of Bowie (City). The PPS was referred to the City for review and comments on June 28, 2024. In their letter dated November 5, 2024, the Bowie City Council ("City Council") recommended disapproval of the PPS, finding that appropriate discussions are needed regarding the connection to Dew Drive for the single-family homes included in this PPS. In the City's letter, the Council provided two positions supporting their disapproval, as noted below:

- "1. The PPS should include an alternate entrance from Mount Oak Road into the single-family homes, as opposed to entrance only via Dew Drive.
- "2. Discussions between the City and County regarding maintenance if no alternate entrance is feasible."

In response to the City's letter, the applicant and the Planning Department met with the Director of the City's Planning and Sustainability Department, Joseph Meinert, on November 8, 2024, to discuss the City's concerns and any possible resolutions or alternative designs to gain the City's approval. Mr. Meinert explained the City's concerns regarding access to the eight residential lots through an extension of Dew Drive, which is maintained by the City. The road extension would need to be maintained by the Prince George's County Department of Public Works and Transportation (DPW&T), and concerns about County maintenance vehicles traversing City

roads were raised. Though the discussions were productive and informative, the applicant determined that a continuance from the Planning Board hearing of November 14, 2024 to December 5, 2024 was necessary to allow time for the applicant to address the concerns expressed in the City's letter, and further evaluate alternative designs. At a follow-up meeting held with the applicant on November 18, 2024, it was further determined that the action limit for this case, December 16, 2024, did not allow the applicant enough time to pursue any viable design alternatives, or arrange any necessary meetings with DPW&T to discuss road maintenance issues. At the time of the Planning Board hearing, no discussion had occurred between the applicant, DPW&T, and the City regarding the feasibility of the Dew Drive extension, and its future maintenance. As such, the applicant shall work with DPW&T and the City to establish an access and maintenance agreement for the Dew Drive extension, prior to approval of the final plats for the residential lots. In the event that such an agreement is deemed infeasible or unacceptable by the City Council, the residential portion of the development (Lots 1–8 and Parcel A) shall be platted as an outparcel. In this event, the applicant will need to file a separate PPS in the future, to subdivide the outparcel with a different lot layout showing the residential lots accessed via Mount Oak Road, instead of Dew Drive. However, the designation of an outparcel does not preclude the ability for the applicant to utilize this portion of the property to obtain any necessary utility easements to serve Parcel 1.

18. **Planning Board Hearing on December 5, 2024**—At the December 5, 2024 Planning Board hearing, staff presented the PPS to the Planning Board, which was followed by the applicant's attorney providing a project history and summary, concluding with the applicant's concurrence with staff's recommendations. Several citizens signed up to speak, including neighbors from the local communities and local homeowners association representatives. Mr. Joeseph Meinhart, the Director of Planning and Sustainability for the City of Bowie, also registered to speak at the hearing on behalf of the City Council.

In Mr. Meinhart's testimony, he referenced the City's letter, submitted as evidence for the hearing, and stated that the City is in support of staff's recommendation of approval of the PPS, specifically citing Finding 14 and Conditions 5a and 5f of the technical staff report, which addressed concerns raised by the City in their letter. The Planning Board then heard testimony from citizens, who expressed concerns that included the proposed extension of Dew Drive, increased traffic, potential increase in crime, increased noise, the development of another church, the size of the proposed church, disposition of the proposed homes, and the location of the proposed entrance to the development. Central to the citizens' concerns was a collective opinion that the applicant did not do enough to engage with and inform the community of the proposed development. In their rebuttal, the applicant, through their attorney and consultants, addressed the concerns raised by the citizens regarding the development aspects of the proposed subdivision. The applicant's attorney emphasized that the requirements of the Subdivision Regulations were adhered to regarding the required public notice and community engagement.

The Planning Board echoed concerns expressed by the citizens that more community engagement should have been initiated by the applicant for the project. However, the Planning Board found that the PPS, as presented, met all the requirements of the Subdivision Regulations and the County Code for approval.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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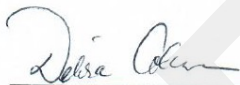
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shapiro, with Commissioners Washington, Shapiro, and Geraldo voting in favor of the motion, with Commissioner Doerner absent, and with Commissioner Bailey abstaining at its regular meeting held on Thursday, December 5, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of January 2025.

Peter A. Shapiro
Chairman

By Jessica Jones
Planning Board Administrator

PAS:JJ:JB:tr



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 1/7/25



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: GBCC Grant Proposal

DATE: 01/16/2025

The Greater Bowie Chamber of Commerce has submitted a grant proposal for City Council's consideration and approval.

ATTACHMENTS: 1. 20250121 - GBCC Grant Proposal December 2024

Grant Proposal

Greater Bowie Chamber of Commerce Local and Veteran-Owned Business Directory & "Shop Local Bowie" Marketing Campaign

Submitted to: The City of Bowie, Maryland

Date: December 10, 2024

1. Executive Summary

The Greater Bowie Chamber of Commerce (GBCC) respectfully requests a \$25,000 grant from the City of Bowie to support two initiatives: the creation of a Local and Veteran-Owned Business Directory and the implementation of a "Shop Local Bowie" Marketing Campaign. These initiatives aim to enhance the visibility of local businesses, encourage community members to shop locally, and foster a stronger local economy.

While the primary focus of the funding is to support these programs, a portion of the grant will allow GBCC the necessary administrative flexibility to ensure the successful execution of these initiatives.

2. Background and Need

Bowie's economic vitality relies on its diverse local businesses, including many veteran-owned enterprises. These businesses, however, often struggle with visibility and customer engagement due to limited marketing resources and the absence of centralized promotional platforms.

This proposal addresses these gaps by:

- Developing a **Local and Veteran-Owned Business Directory** to make it easier for residents to discover and support local businesses.
- Launching a **"Shop Local Bowie" Marketing Campaign** to promote these businesses, encourage consumer spending locally, and raise awareness of Bowie's unique entrepreneurial community.

The requested funding will not only enable these efforts but will also allow GBCC to build operational capacity to better serve Bowie's business community long-term.

3. Objectives

1. **Create and Launch a Local and Veteran-Owned Business Directory**

- A centralized, online platform showcasing Bowie-based businesses with special emphasis on veteran-owned enterprises.
 - Profiles will include essential business details, making it easy for residents to connect with local businesses.
- 2. Execute a “Shop Local Bowie” Marketing Campaign**
- Promote the directory through targeted marketing efforts, including social media, email outreach, and local advertisements.
 - Encourage residents to shop locally and celebrate the contributions of small and veteran-owned businesses to Bowie’s economy.
-

4. Allocation of Funds

The \$25,000 grant will be allocated primarily to support the development and promotion of these initiatives. A portion of the funding will also enable GBCC to cover necessary administrative expenses related to the implementation of the projects. This ensures that GBCC has the capacity to effectively manage and sustain these programs while continuing to meet the broader needs of the local business community.

5. Implementation Plan

The project will be implemented in two phases over 12 months:

Phase 1: Development of Local and Veteran-Owned Business Directory (Months 1-3)

- Collaborate with a web development partner to create a user-friendly directory platform.
- Conduct outreach to local and veteran-owned businesses to populate the directory.

Phase 2: Launch and Promotion (Months 4-12)

- Roll out the “Shop Local Bowie” campaign to raise awareness about the directory.
 - Use social media, email campaigns, and local advertisements to encourage community participation.
 - Partner with local organizations and businesses to amplify the campaign’s impact.
-

6. Conclusion

The Greater Bowie Chamber of Commerce is committed to supporting local businesses and strengthening the Bowie economy. The proposed initiatives will provide businesses with tools and visibility to thrive, while fostering community pride and increased local engagement.

We respectfully request the City of Bowie's support to make these efforts possible. This funding will allow GBCC to execute the proposed initiatives and continue serving as a vital resource for the business community.

Submitted by,

Michael White

Vice President, Board of Directors
Greater Bowie Chamber of Commerce
mwhite@sjpi.com



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Stop Sign Designation and Placement

DATE: 01/16/2025

This item was placed on the agenda by Councilmember Esteve.

ATTACHMENTS: None



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Bowie Shopping Center Standards

DATE: 01/16/2025

This item was placed on the agenda by Councilmember Ndebumadu.

ATTACHMENTS: None