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# Discussion of Testimony

This transcript analysis summarizes four exhibits and detailed notations of oral testimony, representing two speakers from the District Council Public Hearing on proposed amendments to the Adopted College Park-Riverdale Park Transit District Development Plan (TDDP) and Endorsed Transit District Overlay Zoning Map Amendment (TDOZMA) as specified by Council Resolution CR-98-2014. The Public Hearing on these proposed amendments was held on Tuesday, January 13, 2015.

Following a review of the exhibits and oral testimony, staff identified the major issues. Copies of the exhibits are included for reference. The major areas identified from the analysis of the testimony include: parking regulations and the discussion of select rezoning proposals.

The analysis is organized around the eleven proposed amendments to the adopted TDDP and endorsed TDOZMA.

For each of the proposed amendments, the following is provided:

1. Summary of testimony with the exhibit and/or speaker number and name
2. Summary of the adopted sector plan's proposal and/or recommendation with an analysis of the request
3. Staff Recommended Action (in addition to actions recommended to the Planning Board prior to adoption of the TDDP)
4. Planning Board Action (reflecting the Planning Board's action on the eleven proposed amendments taken on Thursday, January 8, 2015)
5. District Council Action

It is recommended that the reader read through all of the testimony first and then read the summary of the plan recommendation relevant to the testimony and staff's analysis of the request and recommendations.

Within the transcript analysis the following symbols are used:

Underscore indicates language added to the adopted plan.

[Brackets] indicate language deleted from the adopted plan.

## Discussion of Select Testimony

Exhibit 42 was received on January 16, 2015. This exhibit constitutes comments submitted by the Maryland State Highway Administration (SHA). The SHA chose to re-submit their prior comments from the Planning Board Public Hearing in their entirety (please refer to Exhibit 29, Donald A. Halligan, Maryland Department of Transportation). This testimony has been fully analyzed and reviewed by the Planning Board, who amended the preliminary TDDP to incorporate new bicycle minimum parking requirements that increase over time, provisions for bicycle amenities, and revisions of two maps to label major regional trails and clarify the difference between primary and proposed streets. Since this testimony has previously been duly analyzed and reviewed, it is not part of this digest of testimony.

# General Comments

Item #	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION DISTRICT COUNCIL ACTION
1	<p><b>Topic: <i>Continue the Conversation</i></b></p> <p>Exhibit 43 notes that “several key Amendments are, nonetheless, only a general description of intent where the language that is ultimately added or revised may make a significant difference to the final directive in the document. M Square noted its early frustration that planning for the TDDP update was not more inclusive. We have been pleased that efforts since the initial hearings appear to have considered our comments and concerns and request that this open dialogue continue through the adoption process and beyond.”</p>	<p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> Comments noted; staff supports and looks forward to continued collaboration with M Square, the University of Maryland, and all other stakeholders with interests in the transit district area to ensure successful implementation of the TDDP.</p> <p><b>Staff Recommendation:</b> Make no change to the plan</p> <p><b>Planning Board Action:</b> N/A</p> <p><b>District Council Action:</b></p>
2	<p><b>Topic: <i>Conceptual Roadway and Open Space Recommendations</i></b></p> <p>Exhibit 41 conveys the county’s concern regarding conceptual recommendations in the adopted TDDP for a potential extension of River Road through the county-owned parking lot north of Paint Branch Parkway and the potential provision of an open space amenity in this vicinity. The county believes these conceptual recommendations may constitute</p>	<p><b>Exhibit 41</b>, The Honorable Rushern L. Baker, III, County Executive</p>	<p><b>Discussion:</b> The conceptual proposals in the adopted TDDP are not subject to any of the proposed amendments from CR-98-2014; therefore, no changes to the plan may be contemplated.</p> <p>That said, since these are conceptual recommendations there is no mandate or requirement that the roadway extension or park space be provided with future development. The adopted TDDP envisions these infrastructure improvements as part of an overall connected street grid and urban open space network, which would add value to any development within the transit district, but does not mandate these improvements.</p> <p><b>Staff Recommendation:</b> Make no change to the plan</p> <p><b>Planning Board Action:</b> N/A</p>

## General Comments

Item #	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION DISTRICT COUNCIL ACTION
	restrictions on county property that “may inhibit the optimal development of this land and diminish its overall value. Accordingly, the County (sic) wishes to stress the importance of maintaining flexibility for future development with respect to these recommendations under the new TDDP and TDOZ.”		<b>District Council Action:</b>

## Amendment 1 – Clarify Relationship to Existing Development Approvals

Item #	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION DISTRICT COUNCIL ACTION
1	<p><i>Topic: Support for the Amendment</i></p> <p>Exhibit 43 supports the amendment as proposed by the District Council.</p>	<p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> Comments noted</p> <p><b>Staff Recommendation:</b> Support the proposed amendment and revise the plan language under section 2, “Existing Approvals and Addressing Phasing/Transitions” on page 35 to clarify the overall relationship of existing development approvals with the Adopted TDDP. Delete the text box at the top of page 36.</p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015.</p> <p><b>District Council Action:</b></p>

## Amendment 2 – Revise Discussion of Riverside Covenants

Item #	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION
1	<p><i>Topic: Support for the Amendment</i></p> <p>Exhibit 43 supports the amendment as proposed by the District Council.</p>	<p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> Comment noted</p> <p><b>Staff Recommendation:</b> Support the proposed amendment to add language to the end of the discussion of the Riverside Covenants on page 35 to read: <u>“Property owners are encouraged to pursue development opportunities and designs that implement the vision and goals of the TDDP. If the Riverside Covenants remain in place, the Zoning Ordinance allows for flexibility for the Planning Board to apply different development standards through the amendment process.”</u></p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015.</p> <p><b>District Council Action:</b></p>

## Amendment 3 – Clarify the Transit District’s Transition to a TOD Area

	<b>TESTIMONY</b>	<b>SPEAKER EXHIBIT NUMBER</b>	<b>PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION</b>
1	<p><i>Topic: Support for the Amendment</i></p> <p>Exhibit 43 supports the amendment as proposed by the District Council.</p>	<p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> Comment noted</p> <p><b>Staff Recommendation:</b> Support the proposed amendment to add language under the subheading “Effect of 1997 Parking Requirements” on page 65 to clarify the TDDP’s recognition of a phased evolution to a transit-oriented area as follows: “Over the medium-to-long term, <u>as the Purple Line is constructed and the transit district transitions to more of a true transit-oriented area</u>, the parking ratios originally established in 1997 are reasonable and appropriate as targets for new development....”</p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015.</p> <p><b>District Council Action:</b></p>

# Amendment 4 – Floodplain, Compensatory Storage, and Stormwater Management

	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION
1	<p><i>Topic: Support for the Amendment</i></p> <p>Exhibit 43 supports the amendment as proposed by the District Council.</p>	<p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> Comment noted</p> <p><b>Staff Recommendation:</b> Support the proposed amendment to revise pages 92-95 of the adopted TDDP to reflect ongoing conversations among major stakeholders regarding the most appropriate measures to address identified floodplain, compensatory storage, and stormwater management concerns within the transit district, and the need for these conversations to continue as development and redevelopment occurs. Specifically:</p> <ol style="list-style-type: none"> <li>1. Add a new paragraph at the end of the Water Quality and Stormwater Management background section on pages 92-93 to read: <u>“It will be essential to continue the conversation of appropriate area-wide and site-specific water quantity, quality, and stormwater management approaches in order to achieve the overall vision and goals for the development of the transit district. Innovative collaboration between the private sector, affected municipalities, and public agencies including the Department of Permitting, Inspections, and Enforcement; Department of Public Works and Transportation; and Department of the Environment will be key to addressing the challenges posed by stormwater and floodplain management to achieve the TDDP vision. As one of the first actions of this collaborative process, the county’s 100-year floodplain study for the portions of the Anacostia River Watershed within and adjacent to the transit district should be updated to establish a current baseline of existing conditions to inform development proposals.”</u></li> <li>2. Retain the Planning Board’s revisions in the adopted TDDP to generalize the discussion of the urban conservation park throughout the TDDP and eliminate all specific references to the Litton Property as the preferred location for an urban conservation park, but revise the discussion of the proposed urban conservation park on page 95 to read: “Residents placed high priority on preserving open space throughout the transit district. One suggestion called for creating a buffer zone near existing parks to preserve open space. Others emphasized the desire for additional tree canopy coverage and places for floodwaters to slow and reduce pressures downstream. [The easternmost portion of the Litton Property is the best site within the transit district identified to date that can serve multiple functions,</li> </ol>

# Amendment 4 – Floodplain, Compensatory Storage, and Stormwater Management

	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION
			<p>including improved water quality, control of water quantity, stormwater management, floodplain compensatory storage, and additional trail connections and synergistic learning opportunities. While this TDDP recognizes the University of Maryland has obtained subdivision approval for development of the Litton Property at the time of this writing, this area contains two types of hydric and poorly drained soils that make it an ideal location for the creation of an urban conservation park that provides the much needed water quantity, water quality, and stormwater management controls to support development and, potentially, recreational opportunities for people working and living in the area.] <u>The opportunity exists for the development of an urban conservation park within the transit district at a location to be determined that will provide the much needed water quantity, water quality, and stormwater management controls to support development and could serve as an area amenity providing recreational opportunities for people working and living in the area; add value to the proposed neighborhoods and the overall transit district; and contribute to marketing and branding to draw new residents and businesses. Refer to the text box on the following page for additional detail and the potential benefits of an urban conservation park.</u>”</p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015.</p> <p><b>District Council Action:</b></p>

# Amendment 5 – Update the 100-Year Anacostia River Watershed Floodplain Study

Item #	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION
1	<p><i>Topic: Support for the Amendment</i></p> <p>Exhibit 43 supports the amendment as proposed by the District Council.</p>	<p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> Comment noted</p> <p><b>Staff Recommendation:</b> Support the proposed amendment to add a new Strategy 1.3 on page 96 to read: <u>“Update the county’s 100-year floodplain study for the portions of the Anacostia River Watershed within and immediately adjacent to the transit district to provide a current baseline of existing and anticipated floodplain conditions.”</u></p> <p>Renumber remaining Strategies accordingly.</p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015.</p> <p><b>District Council Action:</b></p>

## Amendment 6 – Updated Floodplain Study Action Step

	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION
1	<p><i>Topic: Support for the Amendment</i></p> <p>Exhibit 43 supports the amendment as proposed by the District Council.</p>	<p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> Comment noted</p> <p><b>Staff Recommendation:</b> Support the proposed amendment to add a new action step “ES5” to the implementation action table on page 147 to read: <u>“Update the county’s 100-year floodplain study for the portions of the Anacostia River Watershed within and immediately adjacent to the transit district to provide a current baseline of existing and anticipated floodplain conditions.”</u></p> <p>The potential parties involved would include Prince George’s County and M-NCPPC, and the timeframe would be ongoing.</p> <p>Re-number remaining action steps accordingly.</p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015.</p> <p><b>District Council Action:</b></p>

# Amendment 7 – TDDP Parking Requirements and Transportation Adequacy

Item #	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION
1	<p><b>Topic: Support for the Amendment</b></p> <p>Speaker 1 and Exhibit 43 express continued concern with the proposed parking requirements associated with the transit district development standards, and that “excessive parking restrictions” will jeopardize the future ability of the property owner to “bring investment in the early stages of the district’s development.” Two specific modifications are requested:</p> <ol style="list-style-type: none"> <li>1. While the testimony supports the adopted transit district development standards and the approach to revised parking ratios, there is a concern with the footnote added to Table 19 in the Planning Board’s adoption of the TDDP. The testimony requests that footnote 1 to Table 19 “be amended to delete the reference to ‘Parcel A’ (the Litton Property) as being subject to the most restrictive parking ratio.” The testimony disputes some of the conclusions that led to the Planning Board’s adoption of this footnote and expresses concern the parking ratio restrictions may conflict with</li> </ol>	<p><b>Speaker 1</b>, Thomas Haller, representing the University of Maryland M Square Research Park;  <b>Speaker 2</b>, Terry Schum, City of College Park</p> <p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> In light of the continuing testimony with regard to the parking ratios developed for the adopted TDDP, staff recommends a simplification of Table 19 and adjustments to several other parking standards in the adopted TDDP to streamline the parking ratios. To do this, the references to phasing years and the no Purple Line scenario should both be eliminated in favor of a single set of ratios for non-residential, residential, and hotel uses. Additionally, the area outside the ¼ mile radius of the existing Metro station and proposed Purple Line station should be treated the same to further simplify parking calculations. A new footnote should also be added to clarify the measuring point of these quarter-mile radii from the Metro and M Square Purple Line stations.</p> <p>With regard to the testimony offered by Speaker 2, staff continues to believe the market conditions within and impacting the transit district do not support reduction of the maximum parking ratios advocated by the transit district standards below their current level. In fact, the market analyses and current conditions, transitioning out to the initial phasing year 2025 as described in the TDDP, are more supportive of the perspective taken by the University of Maryland and M Square. Staff concurs that current and near- to mid-term market conditions in combination with lender requirements that do not yet take the benefits of transit into full consideration likely necessitate relaxation rather than strengthening of the parking requirements of the TDDP.</p> <p>One additional recommendation regarding the provision of structured parking when the number of parking spaces required for a given development may need to exceed the maximum parking ratios specified by the adopted TDDP could help reconcile the opposite viewpoints on overall parking supply and the presence of surface parking within the transit district. A new standard should be added to link parking needs to the required provision of structured parking to ensure surface parking does not dominate the visual environment or prove overly detrimental to the vision and goals of the TDDP for mixed-use, transit-oriented development. <b>Staff notes, however, that the District Council should consider establishing additional guidance with regard to structured parking to reduce the need for potential applicants to seek amendments to the parking ratios, which must be heard and decided by the District Council.</b></p> <p>In response to the testimony, staff re-evaluated both the “parking rings” included with</p>

# Amendment 7 – TDDP Parking Requirements and Transportation Adequacy

<p>current efforts to market the Litton Property as a secure campus location for potential tenants.</p> <p>2. The testimony requests the deletion of Table 20, which sets maximum parking space caps for the transit district, citing the parking ratios as being sufficient to control parking supply. Specific concern is expressed with any cap of surface parking spaces. The testimony also requests deletion of the bullet on page 209 that reads: “The overall maximum amount of parking within the entire College Park-Riverdale Park Transit District shall not exceed the totals in Table 20 below. At no point shall the total number of surface parking spaces within the transit district exceed 7,500 parking spaces.” The testimony notes the adopted TDDP does not inventory the existing surface parking spaces nor approved spaces that have not yet been built, and cites approvals that transition surface parking to structured parking at future phases of development as proof that surface parking spaces will vary over time.</p>	<p>Table 19 and the points of disagreement with the inclusion of Table 20 to put a maximum cap on parking supply within the transit district. Based on an inventory of existing and approved surface parking spaces in the transit district conducted for this TDDP update by the consultant team, staff now finds that the existing maximum surface parking cap of 7,500 spaces is too low to accommodate future development projects, as at least 7,449 surface parking spaces have already been approved (though only 5,493 have been built). In light of this additional analysis and the belief that the parking ratios specified in Table 19 will control parking supply, Table 20 and the districtwide parking maximums should be removed from the TDDP as redundant, potentially confusing, and potentially detrimental to future development potential. New environmental and stormwater management regulations, in combination with the recommendations and requirements of the TDDP and the retrofit program managed by the Department of the Environment should help address remaining concerns of environmental sensitivity, floodplain management, and stormwater management pertaining to surface parking lots.</p> <p>Finally, staff notes that the parking requirements established by the transit district standards can be amended if necessary by property owner request at the time a development application is submitted. Staff recognizes requests to increase parking beyond established maximums is subject to the sole discretion of the District Council, and that the additional guidance provided by the transit district development standards for exceeding the established maximums is not a guarantee for future development applications.</p> <p><b>Staff Recommendation:</b> To fully address the proposed amendment, which calls for simplification of the development standards on pages 208-212 of the adopted TDDP “to ensure easy understanding of parking expectations and a policy that reflects best practices for transit oriented development while at the same time accommodating desired uses in the plan,” staff recommends the following revisions:</p> <ol style="list-style-type: none"> <li>1. Revise Table 19 as adopted by the Planning Board in PGCPB No. 14-61 as follows:</li> </ol>
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# Amendment 7 – TDDP Parking Requirements and Transportation Adequacy

While Speaker 2 is generally supportive of the overall amendment, the testimony emphasizes the need to further restrict parking supply within the transit district. The City of College Park requests the parking ratios be lowered from those contained in the adopted TDDP and cites lower parking ratios established by the 1997 TDDP and the 2010 Central US 1 Corridor Development District as templates.

Additionally, Speaker 2 expresses a desire on behalf of the City of College Park to provide a “strict parking space maximum unless parking is provided underground or at a parking garage” to reduce the impact of surface parking in the transit district. Finally, Speaker 2 indicates the parking table in the adopted TDDP should be revised to “eliminate any reference to location or rings.”

**Table 19: Maximum Parking Ratios for Off-Street Parking Spaces**

<u>Location<sup>1</sup></u>	<u>Land Use</u>		
	<u>Non-Residential</u>	<u>Residential</u>	<u>Hotel<sup>2</sup></u>
<u>Within ¼ mile of College Park/U of MD Metro Station</u>	<u>2.25 / 1,000 GSF</u>	<u>1.25 / DU</u>	<u>0.33 / room</u>
<u>Within ¼ mile of the M Square (River Road) Purple Line Station</u>	<u>3.00 / 1,000 GSF</u>	<u>2.0 / DU</u>	<u>0.5 / room</u>
<u>Rest of Transit District Area</u>	<u>3.00 / 1,000 GSF</u>	<u>2.0 / DU</u>	<u>0.85 / room</u>

NOTES: GSF=gross square feet, DU=dwelling unit

1. Location/distance is measured from the center point of a rail transit station to the closest lot line of the development lot or parcel.
  2. Hotel maximums may include up to 10 additional parking spaces for each 1,000 GSF for uses including ballrooms, conference and meeting rooms, and other similar places of assembly located within the associated hotel.
2. Revise the second bullet under the “Parking Requirements” heading on page 208 to read:
- “The maximum number of off-street parking spaces permitted for non-residential, residential, and hotel land uses (regardless of neighborhood) are specified in Table 19 below. [These parking maximums are phased with a more generous allotment of parking available until 2025 (when the transit district should begin to achieve a self-sustaining market and development pattern) when maximum parking ratios are reduced.] Additional parking may only be permitted if it is provided within parking structures.”
3. Revise the last bullet on the right hand column on page 208 to read:
- “Development [is] may only be permitted to exceed the maximum parking ratios if the following criteria are met:

# Amendment 7 – TDDP Parking Requirements and Transportation Adequacy

			<ul style="list-style-type: none"> <li>➤ “[Individual projects shall not provide more than 133 percent of the allowed maximum parking ratio.]</li> <li>➤ <u>“Additional parking spaces may only be provided in the form of structured parking.”</u></li> <li>➤ “All parking spaces built in excess of the allowed maximum parking ratio shall be provided as shared/public parking and shall be offered at the same cost as to any other project occupants or tenants.</li> <li>➤ “Applicants desiring to exceed the maximum parking ratio shall provide a comprehensive transportation demand management strategy/program including incentives for non-automobile travel. <u>Details on the design, timing/phasing, and financing of any proposed parking structure to meet additional parking demand shall also be provided.</u></li> <li>➤ “All parking spaces that are provided must be unbundled from the leasing and/or rental rates of associated development.”</li> <li>➤ [“Development projects shall not exceed the maximum parking ratios once the total parking supply within the transit district equals or exceeds 11,039 spaces (equal to 133 percent of the year 2025 parking space maximum) or the ‘parking flexibility threshold.’”]</li> </ul> <p>4. Delete both Table 20: Transit Districtwide Parking Maximums and the bullet on page 209 that reads “The overall maximum amount of parking within the entire College Park-Riverdale Park Transit District shall not exceed the totals in Table 20 below. At no point shall the total number of surfaced parking spaces within the transit district exceed 7,500 parking spaces.” Renumber remaining tables within the TDDP and revise the Table of Contents accordingly.</p> <p>Additionally, upon further review of pages 208-212, staff recommends the “Transportation Adequacy” regulations on page 210 be further revised (this paragraph has already been revised by the Planning Board to delete the second sentence) to clearly reference the transportation (roadways) Level-of-Service measurement impacting the transit district area to eliminate potential confusion in future development applications. This paragraph should now read:</p> <p style="text-align: center;"><u>“Within the College Park-Riverdale Park Transit District, the transportation facilities adequacy standard shall be Level-of-Service E for individual critical intersections</u></p>
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## Amendment 7 – TDDP Parking Requirements and Transportation Adequacy

			<p><u>calculated in accordance with procedures outlined in the guidelines maintained by the Transportation Planning Section of the Planning Department.</u> The selection of critical intersections for any development or redevelopment project within the transit district shall be limited to any of the existing or planned intersections along Paint Branch Parkway and River Road excluding the intersections with US 1 (Baltimore Avenue) and MD 201 (Kenilworth Avenue). [These routes are among the main commuter routes serving through traffic between various destinations within Prince George’s County and the greater Washington, D.C. region, and development within the transit district is considered to have little impact on these facilities.]</p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015.</p> <p><b>District Council Action:</b></p>
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## Amendment 8 – TDOZMA Zoning Change Number 1; Rezone to M-U-I

	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION
1	<p><i>Topic: Position on the Amendment</i></p> <p>Exhibit 43 has no comment on the proposed amendment.</p>	<p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> Property owner consent to rezone any property from the M-X-T (Mixed Use – Transportation Oriented) Zone to any other zone when said property is located within a Transit District Overlay Zone is required pursuant to Section 27-213.03 of the county’s Zoning Ordinance.</p> <p><b>Staff Recommendation:</b> Retain the properties owned by Mr. Eric Francis and the Jarian Family in the current M-X-T (Mixed Use – Transportation Oriented) Zone, as their consent to rezone from the M-X-T Zone to any other zone has not been provided pursuant to Section 27-213.03.</p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015 in recognition of the need to retain flexibility for certain zoning actions for the District Council when property is located within a Transit District Overlay Zone. The Planning Board expressed their hope that all property owners in the M-X-T Zone would grant their consent to allow their properties to be classified in the more flexible M-U-I (Mixed-Use Infill) Zone.</p> <p><b>District Council Action:</b></p>

# Amendment 9 – TDOZMA Zoning Change Numbers 1, 3, and 4; Retain M-X-T

	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION
1	<p><b>Topic: Support for the Amendment</b></p> <p>Exhibits 40 and 41 express the respective consent of the Department of Parks and Recreation and Prince Georges’ County to rezone their properties from the M-X-T (Mixed Use – Transportation Oriented) Zone to the M-U-I (Mixed-Use Infill) Zone in accordance with the adopted TDOZMA.</p> <p>Exhibit 43 has no comment on the proposed amendment.</p> <p>Exhibit T-3 expresses the consent of the United States General Services Administration (GSA) for rezoning GSA properties within the transit district.</p>	<p><b>Exhibit 40</b>, Ronnie Gathers, Director, Department of Parks and Recreation; <b>Exhibit 41</b>, The Honorable Rushern L. Baker, III, County Executive; <b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller; <b>Exhibit T-3</b>, Darren J. Blue, Regional Commissioner, General Services Administration</p>	<p><b>Discussion:</b> Property owner consent to rezone any property from the M-X-T (Mixed Use – Transportation Oriented) Zone to any other zone when said property is located within a Transit District Overlay Zone is required pursuant to Section 27-213.03 of the county’s Zoning Ordinance. Exhibits 40 and 41 constitute the consent of the Department of Parks and Recreation/M-NCPPC and Prince George’s County to rezone their properties within the transit district. Exhibit T-3 constitutes the consent of GSA to rezone their properties within the transit district.</p> <p><b>Staff Recommendation:</b> Proposed Amendment 9 as specified by CR-98-2014 was necessary to allow the District Council to revise the endorsed TDOZMA to retain certain properties in the current M-X-T (Mixed Use – Transportation Oriented) Zone if the property owners did not provide their consent to rezone their property to any other zone (refer to Section 27-213.03 of the Zoning Ordinance).</p> <p>Rezone the properties owned by the Department of Parks and Recreation/M-NCPPC, Prince George’s County, and GSA from the M-X-T (Mixed Use – Transportation Oriented) Zone to the M-U-I (Mixed-Use Infill) Zone in accordance with the adopted TDOZMA since property owner consent has been provided by these owners.</p> <p>Staff understands that the Metro Washington Racing Pigeon Fanciers, Inc. has moved to provide their consent to the adopted rezoning action; however, at the time of this analysis of testimony, this consent has not been received. Therefore, these properties must be retained in their current M-X-T (Mixed Use – Transportation Oriented) zoning pending receipt of their consent.</p> <p>Since Mr. Briggs has not provided his consent to rezone his property pursuant to 27-213.03, his property must also be retained in its current M-X-T (Mixed Use – Transportation Oriented) zoning.</p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015 in recognition of the need to retain flexibility for certain zoning</p>

## Amendment 9 – TDOZMA Zoning Change Numbers 1, 3, and 4; Retain M-X-T

	TESTIMONY	SPEAKER EXHIBIT NUMBER	PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION
			<p>actions for the District Council when property is located within a Transit District Overlay Zone. The Planning Board expressed their hope that all property owners in the M-X-T (Mixed Use – Transportation Oriented) Zone would grant their consent to allow their properties to be classified in the more flexible M-U-I (Mixed-Use Infill) Zone.</p> <p><b>District Council Action:</b></p>

## Amendment 10 – Revise TDOZMA Maps and Zoning Change Tables

	<b>TESTIMONY</b>	<b>SPEAKER EXHIBIT NUMBER</b>	<b>PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION</b>
1	<p><i>Topic: Position on the Amendment</i></p> <p>Exhibit 43 has no comment on the proposed amendment.</p>	<p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> Comment noted</p> <p><b>Staff Recommendation:</b> Revise Maps 18 (Proposed Zoning Changes) and 19 (Proposed TDOZMA Zoning) on pages 164 and 165, and Table 18 (Existing and Proposed Zoning Inventory in Acres) to reflect the changes made in response to Proposed Amendments 8 and 9, above.</p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015.</p> <p><b>District Council Action:</b></p>

# Amendment 11 – Add Property Information to TDOZMA Change Number 4

	<b>TESTIMONY</b>	<b>SPEAKER EXHIBIT NUMBER</b>	<b>PLAN RECOMMENDATION STAFF RECOMMENDED ACTION PLANNING BOARD ACTION</b>
1	<p><i>Topic: Position on the Amendment</i></p> <p>Exhibit 43 has no comment on the proposed amendment.</p>	<p><b>Exhibit 43</b>, Thomas Haller, Law Offices of Gibbs and Haller</p>	<p><b>Discussion:</b> Comment noted</p> <p><b>Staff Recommendation:</b> Add property information for tax account 3515913 to the zoning change table for TDOZMA Change Number 4 to ensure all properties intended to be rezoned are properly incorporated in the zoning change.</p> <p><b>Planning Board Action:</b> The Planning Board voted to support the proposed amendment on January 8, 2015.</p> <p><b>District Council Action:</b></p>