

## **CB-105-2022 – Planning Board Analysis (Attachment 1)**

This bill is intended to create alternative development standards and uses for a designated employment area in the Legacy Comprehensive Design (LCD) Zone, under certain circumstances.

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

#### **Policy Analysis:**

This bill makes revisions to the Legacy Comprehensive Design (LCD) Zone that would allow any property zoned LCD as of April 1, 2022 that is "identified within an employment area in an Area Master Plan or Sector Plan" to develop in accordance with the standards and uses applicable to the former Employment and Institutional Area (E-I-A) Zone. The bill would then waive the green area standards of the former E-I-A Zone and reduce the minimum green area to 10 percent "if consistent with the approved CDP." It also essentially waives the minimum standards of the Landscape Manual for landscaping, buffering, and screening for all uses, allowing these minimums to be modified by the approved CDP.

There is only one area of the County specifically identified as an "Employment Area" with land in the LCD Zone as of April 1, 2022. The properties are within the 2022 Approved Bowie-Mitchellville and Vicinity Master Plan in the Collington Local Employment Area west of US 301 and north of Leeland Road, and include the existing and still developing Collington Trade Center as well as the planned National Capital Business Park. A map of this area is attached.

The Planning Board generally does not support text amendments that provide unique standards for subsets of properties. We understand that this legislation is intended as a stop-gap measure pending implementation of the recommended industrial zoning in the Bowie-Mitchellville and Vicinity Master Plan. This bill is in opposition to the three fundamental principles of land use regulation (1) fairness, (2) predictability, and (3) user-friendly regulations. CB-105-2022 does not provide clear, transparent, and consistent regulations for all similar development in a zone.

The Planning Board notes that development of the National Capital Business Park is proceeding under an existing legislative text amendment, CB-22-2020 (DR-2), which allowed property in the former Residential Suburban (R-S) Comprehensive Design Zone to develop with the uses and regulations of the former Employment and Institutional Area (E-I-A) Comprehensive Design Zone. The provisions of CB-22-2020 (DR-2) already do what CB-105-2022 proposes to do for the National Capital Business Park and will continue to do so for as long as the National Capital Business Park continues to develop as LCD and its approvals remain valid. Several entitlements including the Basic Plan and Comprehensive Design Plan (CDP) have been approved for this development, giving this development access to the regulations and provisions of the prior Zoning Ordinance by nature of its reclassification to the LCD Zone on April 1, 2022, and pursuant to the transition and grandfathering provisions of Section 27-1700.

#### **Recommended Amendments:**

The Planning Board strongly recommends that the phrase "identified within an employment area in an Area Master Plan or Sector Plan" found on page 2, lines 10-11 be replaced with "located within the Collington Local Employment Area of the 2022 Approved Bowie-Mitchellville and Vicinity Master Plan." The term "employment area" is not defined in the Zoning Ordinance, and many master and sector plans throughout the County identify land that is targeted for employment. The phrase "employment area" as used in CB-105 is vague, and properties elsewhere in the County might attempt to use the bill to apply E-I-A standards to properties that are wholly inappropriate for E-I-A development.

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The Planning Board also recommends deletion of the phrase "in effect" from page 2, line 14 of the bill. The Planning Board believes the intent of the bill is to require compliance with a Basic Plan, CDP or SDP that was approved prior to April 1, 2022. Without the recommended deletion, the text could be interpreted to allow a Basic Plan, CDP or SDP approved after April 1 to utilize the prior Zoning Ordinance.

**Impacted Property:**

The bill will impact all properties located within the Collington Local Employment Area, as shown on the attached map.

Following discussion, the Planning Board voted to take no position on CB-105-2022.