



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of the Chairman
Prince George's County Planning Board

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February 27, 2020

The Honorable Todd M. Turner
Chair
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: CB-6-2020, CB-7-2020, CB-9-2020,
CB-10-2020 and CB-12-2020

Dear Chairman Turner: *Todd*

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the February 27, 2020 Planning Board meeting, the following positions were adopted in accordance with the planning staff's recommendations on the proposed legislation. **A Planning Board Analysis of each bill is attached for your consideration and a brief excerpt from each report is provided below:**

***CB-6-2020** amends the Zoning Ordinance regulations for Expedited Transit-Oriented Development (ETOD) projects by requiring multi-story development.*

Planning Board Recommendation: Support with Amendments.
(See Attachment 1 for full analysis)

The Planning Board believes that the language as written needs clarification to achieve the desired result and avoid potential loopholes. Suggested language includes requiring that at least one building within the proposed development includes two or more stories of above-grade habitable or leasable space. The revised language would avoid situations where a building includes stories below grade or includes above-grade stories for parking only for qualifying ETOD projects.

***CB-7-2020** amends Section 27-107.01(Definitions) by adding a new definition for "Market Hall" to the Zoning Ordinance. Next, the bill permits the use in the Light Industrial (I-1) Zone, under certain circumstances.*

Planning Board Recommendation: Oppose.
(See Attachment 2 for full analysis)

The Planning Board believes this bill was drafted for a specific property located at 5500 Lafayette Place Hyattsville, Maryland 20781. The newly proposed use as defined could be appropriate in the I-1 Zone, however there is no logic for permitting the use to be exempt from off-street parking and loading requirements, if located within a municipality. There is no clear explanation for why parking and loading regulations within a municipality are treated differently. The Planning Board would like to remind the District Council that the Countywide Map Amendment (CMA) is scheduled to be approved early November 2020 to allow the adopted Zoning Ordinance to take effect. The Employment Industrial (IE) Zone will replace the I-1 Zone. The proposed "Market Hall" use is not defined or permitted in the IE Zone.

CB-9-2020, CB-10-2020 and CB-12-2020

Planning Board Recommendation: Support with Amendments consistent with the positions taken last year. (See Attachment 3 for full analysis)

These bills were presented last year under CB-5-2019, CB-24-2019 and CB-25-2019. The Planning Board voted to support the bills with amendments.

The bills are for a specific property located southwest of the University of Maryland Campus, south of Campus Drive, and west of Mowatt Lane. CB-9-2020, CB-10-2020 and CB-12-2020 appears to incorporate many of the amendments recommended by the Planning Board last year.

The Planning Board believes CB-9-2020 is an improvement from the bill presented last year. This bill adds design and development standards for townhouses in the One-Family Detached Residential (R-55) Zone.

The Planning Board would like to recommend that CB-9-2020 once again be amended to permit by right "Dwelling, multifamily, in general" in the Multifamily High Density Residential (R-10) Zone without footnote 136. This zone was intended to permit multifamily dwelling units. The use is currently prohibited in the zone. In addition, the bedroom percentages language within the bill should be deleted. The language should also be removed from the entire Zoning Ordinance. Bedroom percentage requirements were removed from the Zoning Ordinance with the enactment of CB-22-2019 (DR-2). However, CB-22-19 (DR-2) did not remove the language from the use tables. The language should be removed to eliminate confusion for citizens, business owners, developers, elected officials, and staff. Please see the attached Planning Board analyses for these bills from last year.

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

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

Sincerely,



Elizabeth M. Hewlett
Chairman

Attachments

CB-6-2020– Planning Board Analysis (Attachment 1)

CB-6-2020 amends the Zoning Ordinance regulations for Expedited Transit-Oriented Development (ETOD) projects by requiring multi-story development.

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

Policy Analysis:

The purpose of Expedited Transit-Oriented Development is to incentivize development and to stimulate economic growth and development of sustainable projects with a mix of residential and commercial uses. This bill will continue to promote density in the most appropriate locations. The Planning Board thinks adding this requirement will assist with designing and building more vertical mixed-use projects in Prince George's County near transit stations.

The Planning Board believes that the language as written needs clarification to achieve the desired result and avoid potential loopholes. Suggested language includes requiring that at least one building within the proposed development includes two or more stories of above-grade habitable or leasable space. The revised language would avoid situations where a building includes stories below grade or includes above-grade stories for parking only for qualifying ETOD projects.

Impacted Properties:

The bill would impact all properties that are eligible for development under the ETOD regulations.

Proposed Amendments:

The Planning Board recommends adding language to that would require all multi-story buildings to be built above-grade.

Following discussion, the Planning Board voted to support CB-6-2020 with amendments.

CB-7-2020– Planning Board Analysis (Attachment 2)

CB-7-2020 amends Section 27-107.01(Definitions) by adding a new definition for “Market Hall” to the Zoning Ordinance. Next, the bill permits the use in the Light Industrial (I-1) Zone, under certain circumstances.

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

Policy Analysis:

The bill creates a new commercial use and permits the use in an industrial zone. In addition, a new footnote is created which exempts market halls located in municipalities from off-street parking and loading regulations except for parking for the physically handicapped.

The Planning Board believes this bill was drafted for a specific property. The newly proposed use as defined could be appropriate in the I-1 Zone, however there is no logic for permitting the use to be exempt from off-street parking and loading requirements, if located within a municipality. There is no clear explanation for why parking and loading regulations within a municipality are treated differently. The Planning Board would like to remind the District Council that the Countywide Map Amendment (CMA) is scheduled to be approved early November 2020 to allow the adopted Zoning Ordinance to take effect.

New Zoning Ordinance:

The Employment Industrial (IE) Zone will replace the I-1 Zone. The proposed “Market Hall” use is not defined or permitted in the IE Zone.

Impacted Properties:

The bill as drafted will affect a property located at 5500 Lafayette Place Hyattsville, Maryland 20781.

Following discussion, the Planning Board voted to oppose CB-7-2020.

CB-9-2020, CB-10-2020, CB-12-2020– Planning Board Analysis (Attachment 3)

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

Policy Analysis:

These bills were presented last year under CB-5-2019, CB-24-2019 and CB-25-2019. The Planning Board voted to support the bills with amendments.

The bills are for a specific property located southwest of the University of Maryland Campus, south of Campus Drive, and west of Mowatt Lane. CB-9-2020, CB-10-2020 and CB-12-2020 appears to incorporate many of the amendments recommended by the Planning Board last year.

The Planning Board believes CB-9-2020 is an improvement from the bill presented last year. This bill adds design and development standards for townhouses in the One-Family Detached Residential (R-55) Zone.

The Planning Board would like to recommend that CB-9-2020 once again be amended to permit by right "Dwelling, multifamily, in general" in the Multifamily High Density Residential (R-10) Zone without footnote 136. This zone was intended to permit multifamily dwelling units. The use is currently prohibited in the zone. In addition, the bedroom percentages language within the bill should be deleted. The language should also be removed from the entire Zoning Ordinance. Bedroom percentage requirements were removed from the Zoning Ordinance with the enactment of CB-22-2019 (DR-2). However, CB-22-2019 (DR-2) did not remove the language from the use tables. The language should be removed to eliminate confusion for citizens, business owners, developers, elected officials, and staff. Please see the attached Planning Board analyses for these bills from last year.

Following discussion, the Planning Board voted to support CB-9-2020, CB-10-2020 and CB-12-2020 with amendments consistent with the positions taken last year.

CB-5-2019 – Planning Board Analysis (Attachment 1)

CB-5-2019 amends Section 24-128 (Private roads and easements.) by adding the Multifamily High Density Residential (R-10) Zone to existing language which permits the Planning Board to approve certain private streets and alleys when developing townhouses or two-family attached dwellings on land.

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

There are approximately three hundred eighty-two (382) properties which are zoned R-10 in Prince George's County. Sixteen (16) are located in Council District 1, one hundred ninety-eight (198) are in Council District 2, forty-six (46) in Council District 3, three (3) in Council District 4, thirty-six (36) in Council District 5, zero (0) in Council District 6, seventy-seven (77) in Council District 7, eight (8) in Council District 8 and four (4) in Council District 9.

Staff would like to recommend a technical amendment. On page 2, line 17, delete the words "provided that". The words appear to be written twice in the sentence.

It should be noted that townhouses are prohibited in the R-10 Zone. The R-10 Zone under the Zoning Ordinance Rewrite will be entitled Residential, Multifamily-48 (RMF-48) Zone. The new RMF-48 Zone will also prohibit townhouses.

Following discussion, the Planning Board voted to take no position on CB-5-2019 with an amendment.

CB-24-2019– Planning Board Analysis (Attachment 3)

CB-24-2019 amends Section 27-113.04 (Property conveyed by the State for the University of Maryland.) by incorporating a new exemption from the requirement to place land conveyed by the State for the University of Maryland to a private entity into the Reserved Open Space (R-O-S) Zone until the District Council approves a subsequent Zoning Map Amendment for the property, or to require the private purchaser to file a Zoning Map Amendment application before recording the deed of conveyance (see Section 27-113.04(b)). Specifically, CB-24-2019 would exempt land including parcels zoned Multifamily High Density Residential (R-10), Multifamily Medium Density Residential (R-18), and One-Family Detached Residential (R-55) at the time of conveyance (or within two (2) years prior to) the conveyance.

The Planning Board has the following comments, suggestions and amendments for consideration by the District Council:

Policy Analysis:

This bill would constitute the fourth time an exemption is needed for property conveyed by the State for the University of Maryland to a private entity. Section 27-113 (Property conveyed by the United States of America or by the State of Maryland.) requires that land be immediately placed in the Reserved Open Space (R-O-S) Zone upon conveyance to a private entity, and is the default requirement for property conveyed by the State of Maryland, which has also been incorporated as part of Section 27-113.04(b).

There are numerous partnerships with the University of Maryland Foundation, City of College Park, and other entities to redevelop lands that are to be conveyed by the University to private entities.

Many of the University of Maryland owned properties are located in the vicinity of College Park and would already be exempt from Section 27-113.04(b) since they are located within the Central US 1 Corridor Development District Overlay Zone or the College Park-Riverdale Park Transit District Overlay Zone and are either zoned Mixed-Use Infill (M-U-I) or Mixed Use – Transportation Oriented (M-X-T).

However, not all of these properties are located in the overlay zones or otherwise fit the current exemption criteria. Properties such as the land that may be subject to CB-24-2019 represent additional locations where such conveyances could occur to redevelop land. Therefore, the Planning Board believes it is very likely that future conveyances will require additional bills to permit further exemptions.

New Zoning Ordinance:

Should the Council feel the provisions of CB-24-2019 (if adopted) need to be carried forward to the adopted Zoning Ordinance, the specificity of the proposed exemption clause will add to the complexity of the Council's adopted Zoning Ordinance. The language moves the County away from the goals of the adopted Zoning Ordinance to streamline the development process of the County.

Impacted Properties:

The bill as drafted will affect properties located to the southwest of the University of Maryland Campus, south of Campus Drive and west of Mowatt Lane.

Proposed Amendments:

The Planning Board recommends the District Council consider comprehensively revising Section 27-113.04 (Property conveyed by the State for the University of Maryland.) to exempt property conveyed by the State to the University of Maryland from the requirement established by Sections 27-113 and incorporated in 27-113.04(b). Section 27-113.04 requires property to be placed in the Reserved Open Space (R-O-S) Zone until a subsequent Zoning Map Amendment is approved by the District Council. A more wholesale revision of Section 27-113.04 would also further the goals of the adopted Zoning Ordinance regarding streamlining.

The Planning Board believes there is a downside to not treating the conveyed property with more flexibility. The ongoing development partnerships and demonstrated intent by the University to work with the City of College Park and Prince George's County to redevelop land constitutes an economic development opportunity proximate to Metro stations and Purple Line stations and is a very different situation than other state-owned property conveyances throughout the County.

If the District Council does not comprehensively revise Section 27-113.04, perhaps on page 2, line 12 add the word "or" in front of the words "R-55 Zone". The language would read "R-10, R-18 or R-55". This change would not require the zones to be adjacent to meet the requirements of the bill and would add additional flexibility for University-owned property conveyed to private entities.

Following discussion, the Planning Board voted to support CB-24-2019 with amendment(s).

CB-25-2019– Planning Board Analysis (Attachment 4)

CB-25-2019 amends Section 27-441 (Uses Permitted in Residential Zones.) by adding a proposed footnote under "Townhouse all others" in the One-Family Detached Residential (R-55) Zone and "Dwelling, multifamily, in general" in the Multifamily High Density Residential (R-10) Zone. Footnote 176 permits the uses by right provided (A) the property for the proposed use is located in both the R-55 and R-10 Zones; (B) the use will be located on a property within one-half (1/2) mile of a proposed Purple Line Light Rail Station; (C) the use is subject to a Detailed Site Plan approval process in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning net lot area, lot coverage, frontage, setbacks, density, landscaping and other development requirements including bedroom percentages shall not apply. These dimensional (bulk) requirements shall be as determined by the Planning Board or District Council at the time the Detailed Site Plan is approved.

The Planning Board has the following comments, suggestions and amendments for consideration by the District Council:

Policy Analysis:

Under the current Zoning Ordinance "Townhouse all others" are only permitted subject to several footnotes. The purposes of the R-55 Zone are: (A) To provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain; (B) to facilitate the planning of higher density one-family residential developments with small lots and dwellings of various sizes and styles; (C) To encourage the preservation of trees and open spaces; and (D) to prevent soil erosion and stream valley flooding. This use is not an appropriate use for this zone.

New Zoning Ordinance:

CB-25-2019 is contrary to the intent of the Council's adopted ordinance. Townhouses are prohibited in the Residential, Single Family-65 (RSF-65) Zone, which will replace the R-55 Zone. Permitting townhouses in the RSF-65 Zone would contradict the purpose statements for the zone.

Multifamily dwellings are permitted in the Residential, Multifamily-48 (RMF-48) Zone, which will replace the R-10 Zone. The regulations of proposed footnote 176 would add complexity to the adopted Zoning Ordinance through the incorporation of locational criteria. The requirement for Detailed Site Plan (DSP) review would be in-place in the adopted ordinance since it is likely a new multifamily building will exceed the 10-unit threshold to trigger a DSP. Regulations for the zone(s) and Part 6: Development Standards of the adopted ordinance will apply to any proposed development pursuant to CB-25-2019 regardless of whether a site plan is required.

Impacted Properties:

The bill as drafted will affect properties located to the southwest of the University of Maryland Campus, south of Campus Drive and west of Mowatt Lane.

Proposed Amendments:

The Planning Board recommends deleting the "dwelling, multifamily" use from this bill. There would be no need for the use in this bill if CB-23-2019 is revised to incorporate the "graduate student housing" use under the Residential Table of Uses, as the Planning Board understands the bills are linked to the same properties. Therefore, if the District Council intends to adopt CB-25-2019, the Planning Board recommends the bill be limited to amending the "Townhouse, all others" use within the R-55 Zone only.

On page 3 footnote 176 (A) should be amended. The language could raise significant unintended consequences. While the property subject to this bill may currently be zoned both R-55 and R-10, the property may be subdivided prior to submittal of a DSP and prior to permit issuance. It is possible that if the "dwelling, multifamily" use is not removed from the bill, the use could be limited to land solely within the R-10 Zone. Additionally, it is possible that the "townhouse, all others" use could be limited to land solely within the R-55 Zone. This could mean that permits could not be issued under the requirements proposed by this bill because the multifamily dwelling would no longer be located on land zoned R-55 and the townhouse dwellings would no longer be located on land zoned R-10.

Under letter (C) the language should be deleted and replaced with language requiring development regulations. The bill establishes the development regulations at the time of DSP review. This process defeats the entire purpose of zoning and denies the District Council and/or the Planning Board the ability to apply any objective standards to the development.

Following discussion, the Planning Board voted to support CB-25-2019 with amendment(s).