

CB-97-2022 – Planning Board Analysis (Attachment 1)

A bill to eliminate development standards for expedited transit-oriented development in the Local Transit-Oriented (LTO) Zone and tie the requirement for a detailed site plan to certain project characteristics rather than the size of the project.

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

Policy Analysis:

CB-97-2022 undermines several critical goals of the County's zoning rewrite project and the new Zoning Ordinance. It carves out a narrow class of development and exempts that development from the regulations normally applicable in the LTO Zone. These are precisely the type of special carve-outs that rendered the prior zoning ordinance difficult to administer. The new Zoning Ordinance applies clear, transparent, and consistent regulations to all similar development in a zone. This bill does away with that consistency.

The new Zoning Ordinance requires a detailed site plan review based entirely on the size of the proposed development. A detailed site plan is required for any application for ten or more residential dwelling units and 25,000 or more square feet of nonresidential development. This approach was a deliberate departure from the practice of the prior Zoning Ordinance, where DSP requirements were imposed in different sections of the code, depending on use, zone, and many other factors, resulting in an almost random DSP requirement.

This bill ties the DSP requirement instead to projects that are "redeveloped as a mixed-use development," without clearly defining what that phrase means. It will be difficult for the Planning Board to know when the provisions of this bill apply and when they do not.

Even more serious, this bill exempts covered projects from the quality standards of the LTO Base Zone and Part 27-6: Development Standards of the Zoning Ordinance by allowing the development standards of qualifying projects to be established through the approval of the detailed site plan. The waiver of zone standards and the development standards of Part 27-6 contradict three of the most important goals of the new Zoning Ordinance: predictability and certainty of outcomes, the desire to achieve improved development quality, and consistent application of development standards throughout the County.

This bill threatens the implementation of the 2022 Approved Adelphi Road-UMGC-UMD Purple Line Station Sector Plan, because that plan is predicated on the uniform application of the minimum standards of the LTO Zone.

The approval of this legislation would also necessitate the Planning Board's remand of the West Hyattsville-Queens Chapel Sector Plan to staff for a substantial revision. The community expected walkable urban development around a Local Transit Center to conform to the LTO Zone. If the standards of the LTO Zone no longer apply to all projects, the draft Sector Plan is based on flawed assumptions.

The bill will also have a negative impact on the implementation of transit-oriented development at the Naylor Road, Capitol Heights, Addison Road-Seat Pleasant, Morgan Boulevard Cheverly, Landover, and West Hyattsville Metro stations where LTO zoning exists.

Should the District Council wish to proceed with CB-97-2022, the Planning Board believes the following revisions are necessary:

- The proposed language is misplaced in Part 27-4 of the new Zoning Ordinance and should instead be placed under Section 27-3619, the Expedited Transit-Oriented Development Review (ETOD) procedures. Section 27-4202, the proposed location for this new procedural language, pertains to development standards common to the five Transit-Oriented/Activity Center base zones and is not the appropriate location for unique procedural clauses or requirements. Placing the proposed language in Section 27-3619 with the other ETOD procedures is the correct location for applicants, staff, and decision-makers thinking about and reviewing ETOD applications to notice and incorporate process changes in an applicable project.
- It is also unclear if this bill is intended to apply to future Local Transit-Oriented Planned Development (LTO-PD) Zone, requiring a detailed site plan review for all situations. The Planning Board does not support extending the proposed legislation to the LTO-PD Zone. If the District Council moves forward with the proposed legislation, the Planning Board recommends that the bill be amended to clarify that it only applies to the LTO Base Zone and not the LTO-PD Zone. This amendment will eliminate confusion.
- On page 2, line 9, the term “mixed-use development” should be clarified; there is no definition for this term.

The District Council should consider that the current Zoning Ordinance, the result of nine years of stakeholder effort, including the developer community, includes many procedural and conceptual changes that will take time to influence development approaches within the County.

It is premature to make substantial procedural revisions that restore some of the more questionable approaches of the prior ordinance and have proven unsuccessful in achieving the desired policy goals of the County and the Council.

Change is necessary to achieve the desired policy goals; sometimes, change can be challenging. Revising the new ordinance in response to specific, instant desires sacrifices the long-term potential of the County and the new ordinance. Consistency in development review procedures and consistent application of development standards are essential steps to move the County forward and ensure the new ordinance's success.

Impacted Property:

This bill will affect approximately 2,343 properties attached to 1860 tax accounts located in Naylor Road, Capitol Heights, Addison Road-Seat Pleasant, Morgan Boulevard, Cheverly, Landover, West Hyattsville, Langley Park, and other Plan 2035 Centers with the LTO Zone.

Following discussion, the Planning Board voted to oppose CB-97-2022.