



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Prince George's County Planning Department
Office of the Planning Director**

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September 10, 2018

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Andree Green Checkley, Planning Director, Planning Department *ARC*

FROM: Rana Hightower, Intergovernmental Affairs Coordinator *REN*

SUBJECT: **CB-75-2018**

Background: A bill for the purpose of clarifying the regulations applicable to certain townhouse uses in the Rural Residential (R-R) and Commercial Shopping Center (C-S-C) Zones under certain circumstances.

Recommendation: **Oppose**

Background: CB-75-2018 amends Section 27-441 (Uses Permitted in Residential Zones.) by amending an existing footnote in the Rural Residential (R-R) Zone for "townhouse, all others". Footnote 120 permits "townhouse, all others" by right if (A) the use is located on a lot(s) or parcel(s) that is less than sixteen (16) acres in size and adjoins land zoned Commercial Shopping Center C-S-C; (B) the property is the subject of an approved development application for a gas station; and (C) a Detailed Site Plan (DSP) shall include adjoining property located in the R-R Zone and be approved in accordance with Part 3, Division 9 of this Subtitle. Regulations concerning net lot area, lot coverage, frontage, setbacks, density, landscaping and any other requirements R-R Zone shall not apply. These dimensional (bulk) regulations shall be approved in accordance with such requirements applicable to the Mixed Use -Transportation Oriented (M-X-T) Zone by the Planning Board (or District Council after review) in the DSP. The DSP shall show commercial development and include architectural review to ensure high quality design and construction materials are compatible with the surrounding area.

Lastly, the bill amends Section 27-461(Uses Permitted in Commercial Zones.) by amending an existing footnote under "townhouse" in the C-S-C Zone. Footnote 68 permits "townhouses" by right if (A) the use is located on a lot(s) or parcel(s) that is less than sixteen (16) acres in size and adjoins land zoned R-R; (B) the property is the subject of an approved development application for a gas station; and (C) a DSP shall include adjoining property located in the R-R Zone and be approved in accordance with Part 3, Division 9 of this Subtitle. Regulations concerning net lot area, lot coverage, frontage, setbacks, density, landscaping and any other requirements of the C-S-C Zone shall not apply. These dimensional (bulk) regulations shall be approved in accordance with such requirements applicable to the M-X-T Zone by the Planning Board (or District Council after review) in the DSP. The DSP shall conform to the regulations set forth in M-X-T Zone. The DSP shall include architectural review to ensure high quality design and construction materials compatible with the surrounding area.

Staff believes this bill was drafted for a specific property. There are some comments and suggestions for consideration under footnotes 120 and 68, letters (B) and (C).

The comments are as follows:

(B) should be clarified. Staff is also unclear about what is meant by the words "the subject of an approved development application for a gas station." Does this mean an application is approved but unbuilt? Does this phrase constitute all built gas stations which meet the 16-acre requirement and adjoins land in the C-S-C or R-R Zones?

(C) The language appears to waive all requirements and regulations for R-R and C-S-C Zones. It establishes development standards in accordance with the M-X-T Zone at the time of DSP review. Staff assumes if the development project does not fully meet the requirements of the M-X-T Zone, the applicant may be required to file a variance. In addition, the last sentence regarding architectural review to ensure the highest quality design and construction materials should be amended. It is not clear what criteria will be used for architectural review to ensure compatibility with approved development on the abutting property. Staff recommends architectural standards be established to serve as the basis of review, such as exterior finish materials, window fenestration or end walls.

Staff believes a Zoning Map Amendment (ZMA) application could be filed. The requirements for approval of a ZMA are (A) there has been a substantial change in the character of the neighborhood or either (B) there was a mistake in the original zoning for the property which has never been the subject of an adopted Sectional Map Amendment (SMA) or there was a mistake in the current SMA. The ZMA regulations mandate the public notification, participating and appeal process that is necessary to ensure a fair, equitable and legally defensible procedure. The proposed text amendment undermines these fundamental principles of procedural and substantive due process.

The new proposed Zoning Ordinance would reclassify the R-R Zone to the Residential Rural (RR) Zone and retain the existing density maximums, lot regulations, and uses. Townhouses and most commercial uses are not permitted in the R-R Zone because they are contrary to the purposes of the zone for establishing a rural residential character. The C-S-C Zone would be reclassified to the General Commercial and Office (CGO) Zone and would allow townhouses up to twenty (20) dwelling units per acre along with a range of commercial development.

Staff recommends that the Planning Board vote to oppose CB-75-2018.