

CB-68-2023 – Planning Board Analysis (Attachment 1)

Attempts to prohibit the construction of multifamily dwellings in the RMF-48 (Residential, Multifamily 48) Zone on land under six acres in size and with a future land use recommendation for recreational uses.

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

Background:

CB-68-2023 will provide a limitation on development of multifamily residential dwelling principal uses in the RMF-48 Zone of a certain acreage and location requirement where the applicable master or sector plan future land use designation is for low-intensity recreational uses for the area of the subject property.

Policy Analysis:

The Planning Board understands a single property located at 2300 Brinkley Road was the intended subject of the bill, but the bill is so narrowly tailored that it eliminates this location from qualification. No property in Prince George's County is affected by CB-68-2023.

The Planning Board generally opposes site-specific legislative zoning amendments because they reduce the uniformity and consistent treatment of properties which are the core purposes of any Zoning Ordinance. Furthermore, such amendments benefiting or burdening an individual property owner may possibly violate the State constitution's prohibition against "special laws" or the uniformity requirement of the Land Use Article. Even if CB-68-2023 affected any property in the County, the Board recommends opposition on this basis.

From a planning standpoint, it does not make sense and is contrary to the purposes of the RMF-48 Zone to prohibit multifamily development in the County's highest-density residential multifamily zone. If the Council wishes to prevent such development; the property should be rezoned to a zone that does not allow multifamily dwellings through a minor plan amendment and concurrent Sectional Map Amendment process.

Technical Comments

Should the Council choose to move forward with some version of CB-68-2023 after resolving the applicability issue inherent in Draft 1, there are several technical issues that should also be addressed. The terms "Area Master Plan" and "Sector Plan" are capitalized in the Zoning Ordinance, and Line 21 on Page 2 should be revised accordingly, including the expansion of the wording "master" to "Area Master Plan."

The phrase "where the land is situated on under six (6) acres of land" on Lines 19 and 20 on Page 2 is awkward and should be reworded for clarity. Perhaps something like "where the development is to be located on a property that is less than six (6) acres in size."

When use-specific standards are added, a reference needs to be incorporated for the principal use type in the four principal use tables in the Zoning Ordinance. All four principal use tables should be added to the bill to insert the reference in the use-specific standards column for the use "dwelling, multifamily" to point to the new Section 27-5102(c)(1)(E) proposed to be added by the bill.

The Board notes none of these technical comments have any bearing on the Board's recommendation to oppose this site-specific bill.

Impacted Property:

The Planning Board understands that CB-68-2023 was intended to address a single property, located at 2300 Brinkley Road. This property is zoned RMF-48 and consists of 4.82 acres and is undeveloped. However, CB-68-2023 is drafted so narrowly that no property in the County is affected by the bill. The clause “with a future land use recommendation for recreational uses within the applicable master or sector plan for the area in which the property is located” eliminates 2300 Brinkley Road and no RMF-48 property in the County qualifies for this criterion.

Only two Area Master Plans of the 38 Area Master Plans and Sector Plans currently in effect contain a “recreational” or “recreational/institutional” land use: the College Park-Riverdale Park Transit District Development Plan and the Largo Town Center Sector Plan. Neither plan area contains any RMF-48 property.

Following discussion, the Planning Board voted to oppose CB-68-2023.