

CB-18-2023 – Planning Board Analysis (Attachment 7)

This bill amends the current Zoning Ordinance to repeal text added to the Zoning Ordinance by CB-97-2022 which eliminated development standards for expedited transit-oriented development in the Local Transit-Oriented (LTO) Zone.

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

Background:

On December 12, 2022, the District Council enacted CR-3-2023, which suspended five legislative zoning amendments from taking effect until associated repeal bills are decided. CB-97-2022 is one of the five bills suspended by CR-3-2023 until the action takes place on CB-18-2023. CB-18-2023 would constitute the permanent repeal of CB-97-2022, the effective date of the CB-97-2022 was December 12, 2022.

Policy Analysis:

The Planning Board voted to oppose CB-97-2022, which undermined critical goals of the County's Zoning Rewrite project and the new Zoning Ordinance. The bill carved out a class of development and exempted that development from the regulations normally applicable in the LTO Zone. These are the type of special carve-outs that rendered the prior zoning ordinance challenging to administer. The new Zoning Ordinance applies clear, transparent, and consistent regulations to all similar development in a zone. CB-97-2022 did away with that consistency.

CB-97-2022 exempted certain expedited transit-oriented development projects from the intensity and dimensional standards and the development standards of the LTO base Zone and Part 27-6: Development Standards of the Zoning Ordinance by allowing all 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.

The Planning Board reminded the District Council through its previous comments that the current Zoning Ordinance is the result of nine years of stakeholder effort, including the developer community, and includes procedural and conceptual changes that will take time to influence development approaches within the County. In addition, 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.

CB-18-2023 would permanently repeal the text added by CB-97-2022 and restore the intent, procedures, and standards of the new Zoning Ordinance to ensure all development in the LTO Zone, regardless of location or individual circumstances will achieve similar and equitable treatment and result in high-quality development.

Comprehensive Planning Concerns

The Planning Board believes it important to provide an additional context of the negative impacts CB-97-2022 has on the County's designated Local Centers, which received LTO zoning through the Countywide Map Amendment.

CB-97-2022 substantially impairs the implementation of the recommendations of Plan 2035, the 2006 Approved Capital Heights Transit District Development Plan, the 2010 Approved Subregion 4 Master Plan, the 2014 Approved Southern Green Line Station Area Sector Plan, the 2015 Approved Landover Metro Area/MD 202 Corridor Sector Plan, the 2018 Approved Greater Cheverly Sector Plan, and the 2022 Staff Draft West Hyattsville-Queens Chapel Sector Plan, as they apply to the Naylor Road, Cheverly, Landover, Capitol Heights, Addison Road-Seat Pleasant, Morgan Boulevard, and West Hyattsville Metro Stations by permitting buildings, landscaping, streetscaping, and other aspects of the built environment inconsistent and incompatible with the transit-oriented and walkable development recommended by these approved plans. Any development that occurs contrary to the requirements of the LTO Zone as permitted by CB-97-2022 can discourage appropriate development for Metro station areas.

The County's expectations for new development at Metro stations is an extremely important message for the County to get right, given that inappropriate development continues to occur pursuant to the prior Zoning Ordinance at several locations surrounding the Morgan Boulevard and Addison Road-Seat Pleasant Metro Stations.

The Planning Board notes that the property or properties for which CB-97-2022 was written may still develop under the prior Zoning Ordinance pursuant to Section 27-1900 of the Zoning Ordinance, and also may apply for the Local Transit-Oriented Planned Development (LTO-PD) Zone.

Impacted Property:

This bill will affect all LTO properties containing existing residential or commercial uses that could be redeveloped as a mixed-use project using the Expedited Transit-Oriented Development regulations.

Following discussion, the Planning Board voted to support CB-18-2023.