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June 18, 2020

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

Dear Chairman Turner: *Todd*

Re: CB-38-2020

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the May 28, 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-38-2020** amends Section 27-441(Uses Permitted in Residential Zones) by adding a new use "Athletic Field, outdoor, for-profit and all others" with a footnote in the Rural Residential (R-R) and Residential Townhouse (R-T) Zones. Footnote 135 permits the use by right provided certain criteria are met.*

Planning Board Recommendation: Oppose as drafted.
(See Attachment 1 for a full analysis)

The Planning Board has numerous comments and concerns which are described below. We encourage the Council to defer action on the bill so that the bill's objective can be discussed with Planning Board staff and a more appropriate approach to achieving that objective identified.

This could include discussion about allowing the new use in all residential zones. This recreational use is not incompatible with residential zones. Allowing the use in only two zones would narrow the recreational use and could result in prohibiting a use that may be suitable in other residential zones. Many of the areas of the County where there is sufficient land to build an outdoor athletic field are in rural and suburban areas of the County, in the Residential-Estate (R-E), Residential-Agricultural (R-A), Open Space (O-S), and Reserved Open Space (R-O-S) Zones.

The Planning Board is concerned that the proposed footnote allows a newly proposed use to use a previously approved Detailed Site Plan (DSP) for townhouses at the time of grading permit. It is not clear what is meant by “previously approved Detailed Site Plan”? Does that mean a valid DSP that has not expired? A new DSP should be required for a newly proposed use. The development of an athletic field is vastly different from a townhouse development. There could be numerous unforeseen consequences for using a DSP approved for another use. A new DSP would show the specific location of parking, physical features, and land uses for the proposed site. The site plan would show proposed grading, sediment control, regulated environmental features, and stormwater management on the site.

Most importantly for the athletic field, the DSP would show the impact of proposed recreation facilities and field lighting on neighboring residences. All these reviews, as part of a DSP, ensure the site addresses any public health, safety, and welfare issues.


Next, the language does not require the final certification of the DSP before issuance of any County grading or building permits. The Planning Board believes that the Order of Approvals currently found in Section 27-270, as enacted by the District Council, is appropriate and should be followed to ensure adequate site planning before grading and development.

Grading a site before the completion of the planning process can result in unnecessary disturbance and clearing that can result in graded sites being left cleared for years before development occurs. There are instances where projects are left graded but not developed due to financial or other unforeseen reasons.

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-38-2020–Planning Board Analysis (Attachment 1)

A bill to permit athletic fields in the Rural Residential (R-R) and Residential Townhouse (R-T) Zones subject to certain circumstances.

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

Policy Analysis:

CB-38-2020 amends Section 27-441(Uses Permitted in Residential Zones) by adding a new use “Athletic Field, outdoor, for-profit and all others” with a footnote in the Rural Residential (R-R) and Residential Townhouse (R-T) Zones. Footnote 135 permits the use by right provided certain criteria are met.

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Should the text amendment move forward, the Planning Board has additional comments for District Council consideration regarding the bill:

On page 1, the purpose clause should be amended to add the R-R Zone to the bill. This bill permits the new use in the R-R and R-T Zones.

CB-38-2020 – Planning Board Analysis (Attachment 1)

Page 2

On page 2 under the table of uses adding the words “all others” to the newly created use appears to create a contradiction between the existing use “Athletic Field, outdoor, private nonprofit”. Perhaps the language “all others” should be removed.

On page 3 under footnote 135, the Planning Board is not clear on the intent of the language:

“located within boundaries of a Master Plan located within the boundaries of a Master Plan approved by the Council before June 1, 2007.” Every property within Prince George’s County is located within a master plan “approved by the Council before June 1, 2007”. If the intent is to capture a property located within a still-applicable Master Plan approved by the Council before June 1, 2007, the language should be clearly stated.

There should be language added to the footnote requiring a minimum lot size for the development. Use permissions apply to every lot in a zone; athletic fields require land above the lot sizes found in the R-R and R-T Zones.

The Planning Board has concerns with the sentence “Upon completion of the subject improvements, the recreational facilities shall be dedicated to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) Department of Parks and Recreation in Prince George’s County, as part of an adjacent planned development Community Center.” This is inappropriate as a condition of use approval through the Zoning Ordinance. Last, if the use is to be dedicated to M-NCPPC, would the use be considered a public use that is exempt from Zoning Ordinance regulations? If so, then the bill is unnecessary; the dedication and construction of the proposed recreational facilities can be handled contractually or through a Memorandum of Understanding with the Commission without subjecting the property owner to a full entitlement process.

New Zoning Ordinance:

The new Zoning Ordinance adopted by the District Council on October 23, 2018, consolidates numerous outdoor recreational uses into the new use entitled “Recreation facility, outdoor.” Special Exception approval is required in the Agriculture and Preservation (AG), Agricultural-Residential (AR), Residential Estate (RE), Residential Rural (RR), Residential, Single-Family-95, and the Residential, Single-Family-65 Zones. The use is permitted by right in the Residential, Single-Family Attached (RSF-A), Residential, Multifamily-12 (RMF-12), Residential, Multifamily-20 (RMF-20), and the Residential, Multifamily-48 (RMF-48) Zones. The use-specific standards column reference use standards and special exception standards; none of these seem to apply to an athletic field.

Impacted Property:

The Planning Board has not been able to determine whether the bill is written for a specific property. However, as drafted, the bill would impact all R-T and R-R properties in the County where there is an approved DSP for townhouses.

Following discussion, the Planning Board voted to oppose CB-38-2020 as drafted.