

CB-17-2023 – Planning Board Analysis (Attachment 6)

This bill would amend the Zoning Ordinance to limit the authority granted by CB-17-2019 (DR-4). It would prohibit the development of townhouses and one-family attached dwelling units in the Residential Agricultural (R-A) Zone under the standards and regulations of the prior Zoning Ordinance unless an applicant had secured acceptance of an application and/or already proceeded to construction.

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

Policy Analysis:

This bill amends Section 27-1903 to prohibit the development of townhouses and one-family attached dwelling units as principal uses in the Residential Agricultural (R-A) under the prior Zoning Ordinance regulations unless an application has already been “filed and accepted and or/constructed.” Future development applications filed under CB-17-2019 (DR-4) would be deemed ineligible for processing under the prior ordinance.

The Planning Board voted to oppose CB-17-2019 (DR-3) because the development of townhouses is not in keeping with the purposes of the former R-A Zone. The purposes of the R-A Zone were to provide large lot one-family detached dwellings while encouraging the retention of agriculture as a primary land use, and to encourage the preservation of trees and open spaces. Permitting townhouses in this zone is not appropriate. However, the Planning Board opposes this bill as drafted because it does not, with clarity, state which types of development applications would be ineligible to proceed under CB-17-2023. In addition, the language within this bill could have been added to CB-12-2023 (DR-2) since they amend the same sections of the code.

On December 12, 2022, the District Council adopted CR-4-2023, which suspended CB-17-2019 (DR-4) until the action takes place on CB-17-2023. CB-17-2023 would constitute the permanent repeal of CB-17-2019 (DR-4).

2022 Approved Bowie-Mitchellville and Vicinity Master Plan Concerns:

The District Council should note that the 2022 Approved Bowie-Mitchellville and Vicinity Master Plan recommends that the properties located at 3600, 3702, and 3900 Church Road - Freeway Airport – be redeveloped with medium- density, attached, or detached single-family dwelling units. In addition, Strategy CZ 3.3 in the Zoning Recommendations section of the approved master plan states:

CZ 3.3: Reclassify the properties located at 3600, 3702, and 3900 Church Road (Tax ID 0801258, 0801357, 0801290, 0801340, 0801241, 0801274, 0801233, 0801282, and 0728741) known as Freeway Airport to the RSF-A (Residential, Single-Family-Attached) Zone. (See Table 15. CZ 3.3 Zoning Recommendations—Freeway Airport with Properties Identified and Map F-11. CZ 3.3 Zoning Recommendations.)

This Master Plan language reflected the Council's policy decision to allow townhouses via CB-17-2019. If the District Council intends to prohibit townhouse and one-family attached dwelling units on this property, the Council may consider initiating a minor amendment to the 2022 master plan to revise these recommendations before approving the ongoing sectional map amendment for Bowie-Mitchellville and Vicinity.

The Planning Board notes the adopted master plan also contains the following language for Strategy LU 3.1:

LU 3.1: Should Freeway Airport be unable to redevelop pursuant to Preliminary Plan of Subdivision 4-20006, and should it cease operation as an airport, the properties located at 3600, 3702, and 3900 Church Road (Tax ID 0801258, 0801357, 0801290, 0801340, 0801241, 0801274, 0801233, 0801282, and 0728741) should be redeveloped with single-family housing appropriate for its Agricultural-Residential (AR) zoning at densities not to exceed 0.5 dwelling units per acre. Uses other than aviation, single-family housing, rural, or agricultural uses do not conform with this master plan. Map 16. Future Land Use designates this property in the Rural and Agricultural land use category.

Should the District Council not amend the master plan, it may choose to retain the subject property in its current AR Zone through the current SMA process or rezone back to AR in a future SMA. However, not amending the master plan would create an inconsistency between the applicable master plan recommendations and its zoning.

Technical Amendments

Several technical amendments are needed to reflect conventions and correct terminology in the new Zoning Ordinance:

On page 1, line 5, under the purpose clause, add the word "principal" in front of the word "uses" and remove capitalization of the dwelling types. The clause would read "townhouse and one-family attached dwelling principal uses."

On page 4, line 8, add the clause "Development Pursuant to Prior Ordinance" after Section 27-1900.

On page 4, line 9, the title for Section 27-1903 should be amended to read: "Sec.27-1903. Applicability." That is the correct title for that Section.

Impacted Property:

The bill will affect property formerly zoned R-A located at 3600, 3702, and 3900 Church Road (Tax ID 0801258, 0801357, 0801290, 0801340, 0801241, 0801274, 0801233, 0801282, and 0728741) and could affect up to 262 additional properties; however, the Planning Board was unable to identify all properties that may have been affected by CB-17-2019 (DR-4). Only one operating airport, Freeway Airport, contained land formerly zoned R-A and would meet the criteria of CB-17-2019 if the airport ceased to operate.

Following discussion, the Planning Board voted to oppose CB-17-2023 as drafted with amendments.