



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

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August 20, 2018

MEMORANDUM

TO: The Prince George's County Planning Board

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

FROM: Rana Hightower, Intergovernmental Affairs Coordinator *REN*

SUBJECT: **CB-57-2018**

Purpose: A bill for the purpose of permitting certain mixed-use development in the Multifamily Medium Density Residential (R-18) and the One-Family Detached Residential (R-55) Zones, under certain circumstances.

Recommendation: **Oppose with amendments**

Background: CB-57-2018 amends Section 27-441 (Uses Permitted in Residential Zones.) by adding a new use entitled "area master plan or sector plan recommends mixed-use development" in the Medium Density (R-18) and in the One-Family Detached Residential (R-55) Zones subject to a newly created footnote.

Footnote 126 permits the use by right if (A) the proposed mixed-use development is located on a lot or parcel of less than five (5) acres in size; (B) the non-residential uses listed in the applicable area master plan or sector plan shall be deemed permitted uses, provided that such uses are located on the ground floor of a vertical mixed-use building; (C) the property is adjacent to an existing or proposed Purple Line transit station; (D) a Detailed Site Plan (DSP) shall be approved in accordance with this Subtitle; (E) regulations concerning lot size, net lot area, lot coverage and green area, lot width, yards, building height, density, Floor Area Ratio (FAR), accessory buildings, bedroom percentages, and other regulations applicable to the R-18 and R-55 Zones shall not apply. Instead the approved DSP shall set forth all development regulations to be followed and shall include a review and approval of architectural dimensions for use by the Planning Board or the District Council; (F) the DSP shall be subject to the Landscape Manual; and (G) the DSP shall include a traffic impact analysis at critical intersections.

Staff has numerous comments and suggestions for consideration. The comments are as follows:

Under footnote 126 (A) the term "mixed-use" is not defined in the Zoning Ordinance; perhaps the term should be defined for the purposes of this bill and usage of the term in the future.

The language under letter (B) should be clarified. As drafted the language seems to refer to future land use categories in the applicable area master plan or sector plan.

It is also not clear whether the language intends to amend or apply to any table of uses within an associated Development District Overlay Zone (DDOZ). Area master plans and sector plans are optimistic projections, long term visions for prospective development. There could be hundreds or thousands of R-18 and R-55 zoned properties in the County where the recommendation in the area master plan or sector plan is for mixed-use development. As drafted the language can only refer to broad categories of uses (as in the future land use maps) which are very broad in the Zoning Ordinance. As a result, the language seems to make hundreds of non-residential uses "permitted uses" in the R-18 and R-55 Zones.

It is also important to note that specific non-residential uses generally are not incorporated into area master plans or sector plans. Those plans usually speak broadly to commercial" or "industrial" land use map categories. If the intent of this bill is to permit non-residential uses that may be included in an associated DDOZ, the language under (B) should be amended. Every DDOZ is a construct of a Sectional Map Amendment and is a separate legal entity from an area master plan or sector plan.

Under letter (C), delete the word "existing" in front of the words "or proposed". Next, delete the words "transit station" and replace with the words "Light Rail Transit (LRT) station"; it should be noted there are no existing Purple Line LRT stations.

The letter (F) should be deleted. The language appears to waive all requirements and regulations for the R-18 and R-55 Zones. It would establish development standards at the time of DSP review and approval. This process defeats the entire purpose of zoning and denies the District Council and Planning Board the ability to apply any objective standards for development.

1. If this legislation is enacted, the Planning Board will have no zoning regulations to review the Preliminary Plan of Subdivision, including density and lot size.
2. The term "architectural dimensions" should be clarified. The term generally refers to the width of building face, height of the building, and window sizes; architectural dimensions are the measurements for the façade elements and designs of a building, and it does not seem that this is the intended focus of the proposed language.

The letter (G) should be deleted. Staff has serious concerns about adding a transportation adequacy test during the time of a DSP review. As drafted, the bill would require traffic analysis without standards and required findings. Without the standards and required findings, the Planning Board could not make an objective finding regarding the submitted analysis. Staff believes that traffic analysis should be reviewed in accordance with the Subdivision Ordinance which provides standards, findings and mitigation for transportation adequacy.

Staff recommends that the Planning Board oppose CB-57-2018 with amendments.