

## **CB-22-2020–Planning Board Analysis (Attachment 2)**

CB-22-2020 amends the Zoning Ordinance to permit employment and institutional uses in the Residential Suburban (R-S) Zone, under very limited circumstances, and provides procedures for the amendment of approved Basic Plans to allow these new uses. The bill allows all uses that are permitted in the Employment and Institutional Area (E-I-A) Zone to occur on a qualifying property. The Planning Board believes that only one property in the County would qualify, as discussed below.

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

### **Policy Analysis:**

This bill amends Sections 27-195 (Map Amendment Approval.), 27-197 (Amendment of approved Basic Plan.), 27-511 (Purposes.), and 27-512 (Uses.), and Section 27-515(b) (Uses Permitted in Comprehensive Design Zones.). The most significant amendment adds a new footnote 38 to Section 27-515(b). The footnote allows all E-I-A uses (other than special exceptions) to occur in the R-S Zone, exempts such development from the R-S regulations, adds new standards for streets and parkland, and describes the type of parcel or assemblage that will qualify to use the footnote.

The Planning Board believes this bill was drafted for an approximately 639-acre property, located north of Leeland Road and east of a freight line owned by Consolidated Rail, and identified in tax records as Parcel 30, tax account 0670737. The property is also known as Willowbrook and has an extensive approval history under its existing R-S Zone.

The 2006 Bowie and Vicinity Master Plan recommended suburban intensity residential development at this location. Residential development in the low range of the R-S Zone was considered a suitable transition between adjacent neighborhoods. The intent was for development at the Leeland Road location to be more intense than the development to the west (Oak Creek) and less intense than the development to the south (Beech Tree).

The District Council approved A-9968 (Willowbrook) simultaneously with the approval of the 2006 master plan and its concurrent sectional map amendment on February 7, 2006, subject to the limitations and conditions set forth in CR-11-2006.

Approximately 13 acres of the Willowbrook site—located between the Safeway Distribution Center site that is in the northwest quadrant of US 301 and Leeland Road and the residentially-zoned portion of the Willowbrook site—are designated for employment land use. Employment land use was considered appropriate for this portion of the property at the time because of the physical separation of this portion of the Willowbrook site by a stream and steep topography that orients it toward the abutting, existing employment development. At this location, Prince George’s Boulevard (I-300) is to be extended from its southern terminus through this area and continue through the Safeway Distribution Center site to Leeland Road.

If the District Council would like this property to be rezoned, it would be more appropriate to do so during a sectional map amendment following approval of the ongoing master plan for Bowie and Vicinity (Planning Area 74A). The District Council initiated a master plan for Planning Area 74A, including the subject property, in February 2020. The master plan update will give the Council an opportunity to comprehensively review its goals for this property and all possible issues, and plan for its future.

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Text amendments are best suited to fine-tune the uses or regulations in an existing zone. CB-22-2020 does not fine-tune the R-S Zone; instead, it allows uses wholly different from those normally associated with the R-S Zone. For that reason, the Planning Board believes the on-going Bowie Master Plan update is a superior vehicle to accomplish the purposes of CB-22-2020. The Planning Department is currently evaluating the master plan area and engaging in discussions with residents, property owners, and the business community to determine the appropriate future use of land in this area.

Although the current residential zoning of the property is appropriate, there are reasons why the Council might find commercial, industrial, or institutional uses to be equally appropriate. A large amount of non-residential development in the E-I-A and I-1 zones exists directly east of the property. The railroad line to the west and Leeland Road to the south form natural boundaries between this property and adjacent residential zones, although careful buffering and design regulations would be needed to provide compatibility.

Should the text amendment move forward, the Planning Board has additional concerns regarding footnote 38:

Under (a) (iii) the words "an existing employment park" are not defined and should be clarified.

Under (c) the bill states the R-S Zone regulations shall not apply. Replacement development regulations are needed. Not adding development regulations defeats the entire purpose of zoning and denies the District Council and the Planning Board the ability to apply any objective standards to the development.

Under (d) (iii) there are concerns about the legality of the proposed conditional approval requirement that development on this property provide "a public park of at least 20 acres."

### **New Zoning Ordinance:**

The subject property would be placed in the Legacy Comprehensive Design (LCD) Zone. The development regulations would be the same as in the prior Zoning Ordinance if the applicant continues to develop in accordance with prior approvals.

### **Impacted Property:**

The bill as drafted would impact the Willowbrook property, consisting of approximately 639 acres, located north of Leeland Road and east of a freight line owned by Consolidated Rail, and identified in tax records as Parcel 30, tax account 0670737.

Following discussion, the Planning Board voted to oppose CB-22-2020 with the above-mentioned explanation.