



THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION


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


(301) 9523588
www.mncppc.org

July 1, 2020

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Andree Green Checkley, Esq., Planning Director, Planning Department
Derick Berlage, Acting Deputy Planning Director, Planning Department 

FROM: Rana Hightower, Intergovernmental Affairs Coordinator 

SUBJECT: **CB-40-2020**

Purpose: A bill to permit eating or drinking establishments, excluding drive-through service in the Residential Estate (R-E) Zone, under certain circumstances.

Policy Analysis: CB-40-2020 appears to be drafted for a specific property. Staff is unable to identify all properties meeting the criteria of Footnote 138. The Planning Department does not maintain an inventory or listing of vacant buildings with former use permissions and has no way to determine how long buildings may have been vacant. The R-E Zone has numerous properties that are more than ten acres with a building on the property. As drafted, the bill could lead to many unintended consequences.

The R-E Zone permits low-density, single-family detached dwelling units on lots at least 40,000 square feet in size. The zone encourages a variation in the size, shape, and width of a single-family detached residential subdivision, large lot development, and an estate-like atmosphere. As commercial enterprises with large traffic volumes, eating or drinking establishments in the R-E Zone are contrary to the stated purposes of this zone.

CB-40-2020 would only permit an eating or drinking establishment within a building that has been vacant at least 20 years. The age of the building could cause approval problems. The building may not be able to meet many of the lot coverage, parking, loading, landscaping, signage, and building setback regulations in the current Zoning Ordinance; additionally, buildings that have been vacant for such a significant period of time may experience structural issues that would complicate adaptive reuse. The applicant may be required to file multiple Departures from Design Standards (DDS), Departures from Sign Design Standards (DSDS), or Departures from Parking and Loading Standards (DPLS). Alternative Compliance from landscape regulations or a variance from the Board of Zoning Appeals could also be required.

If the legislation moves forward, the District Council should consider the following amendments:

The bill contains the text of Footnote 138 but does not affix the footnote next to the new P in the table. Letter (C) under Footnote 138 is not necessary, as the letter (D) explains that Detailed Site Plan approval will be needed for an enlargement, expansion, or increase in the gross floor area.

Also, the bill should add development regulations to, at minimum, address parking, landscaping, signage, and building setbacks. Authorizing the Planning Board to set the development regulations for a property during Detailed Site Plan review, without any legislative guidance, defeats the entire purpose of zoning. This type of review process denies the District Council and the Planning Board the ability to apply objective standards.

New Zoning Ordinance:

The adopted Zoning Ordinance prohibits both “restaurant” and “restaurant, quick service (without a drive-through)” in the RE Zone. The accessory use “drive-through service” is also prohibited.

Impacted Property:

The bill would impact all R-E zoned properties that are more than 10 acres in size and contain a building that operated as an eating or drinking establishment 20 or more years ago.

Recommendation:

Oppose.

Staff recommends the Planning Board vote to oppose CB-40-2020.