

INTER-OFFICE MEMORANDUM
PRINCE GEORGE'S COUNTY, MARYLAND

ZONING HEARING EXAMINER OFFICE

County Administration Building, 2nd Floor
Upper Marlboro, Maryland 20772
(301) 952-3644
(301) 951-5178 Fax

October 4, 2021

TO: Jackie Brown, Director
Planning, Housing and Economic Development Committee

FROM: Maurene Epps McNeil
Chief Zoning Hearing Examiner

Re: CB-75-2021

I have reviewed the above referenced legislation and offer the following comment.

The purpose clause on page 1 notes that the bill will permit certain multifamily, residential, restaurant and other ground floor commercial uses on a limited basis within the R-55 Zone under certain circumstances. The residential use table then adds a footnote to two areas – apartment housing for elderly or handicapped families in a building other than a surplus public school building and Townhouses or Multi-Family Uses (a use created pursuant to CB-97-2005). That footnote doesn't require a mix of uses, does not require ground floor commercial, and does not include any criteria for the apartment housing for the elderly.

The government is generally precluded from discriminating on the basis of age, but an exception is carved out for elderly housing, as defined in federal law, and if covenants are recorded in the Land Records. At a minimum, I would suggest that the sponsor include language to that effect found in Section 27-337 of the Zoning Ordinance. I would also suggest that some minimum net lot area, setbacks and density be included for the proposed apartment housing for the elderly to ensure that the use will serve the needs of the elderly and not adversely impact the surrounding community. (The M-X-T criteria in Section 27-548 addresses some of regulations but not all.)

Next, to ensure the mix of uses suggested in the purpose clause, I have added the footnote that currently applies to this “Townhouses or Multi-Family Units” as it includes language requiring the Site Plan demonstrate that the development and uses are in harmony, will not adversely affect the health, safety or welfare of residents or workers in the area, and that it be developed as a mixed-use development with at least two uses and each comprising no less than 10% of the site. I do not know the impetus for this legislation so it is difficult to provide language, but I think this will generate ideas. Again, at the very least some language must be added concerning ground floor commercial uses, as well as some language concerning the “limited basis” or these phrases should be deleted from the purpose clause.

CB-97-2005 (DR-2)

8 1 Permitted in the R-55 Zone provided that the subject property meets the following criteria: (A) Has area of at least two (2) acres;

(B) Has frontage on a Freeway or highway; and

(C) Is within a Growth Corridor or Growth Center as defined in the General Plan.

In accordance with the standards listed below, the applicant must obtain approval of a Detailed Site Plan as provided in Part 3, Division 9. In site plan review, the Planning Board shall find that the proposed use and subject property meet all Division 9 requirements (except as provided below) and will:

(A) Include at least 30 but not more than 50 residential units;

(B) Include a traffic study that is prepared in accordance with the Planning Board Guidelines for Analysis of Traffic Impact of Development Proposals showing on-site circulation patterns, access points on and off site, impacts on major highways and intersections, and impacts mitigated in accordance with the Guidelines;

(C) Incorporate reasonable regulations for height of structures, architectural design, lot size and coverage, frontage, setbacks, density (as restricted below), dwelling unit types, percentages of uses, and other dimensional requirements, in place of conventional requirements;

(D) Have residential densities not exceeding eighteen (18) units per gross tract acre;

(E) Have interior private roads only where appropriate for and in furtherance of community purposes, and approved by DPW&T; and

(F) Be adjacent to or connected to C-S-C zoned land being redeveloped as a mixed-use development defined as at least two uses including residential, retail, or office with each use comprising no less than 10% of the uses of the site.

(i) Recreation facilities should be provided to serve the community; and

(ii) The recreation facilities shall be constructed prior to or concurrently with the residential units or as stated in a construction schedule approved by the District Council;

(G) The site plan shall also demonstrate the development and uses: (i) Are in harmony with the purposes of this Subtitle;

(ii) Conform with all applicable requirements of this Subtitle;

- (iii) Will not substantially impair the integrity of the applicable Master Plan, any applicable Functional Master Plan, or the General Plan;
- (iv) Will not adversely affect the health, safety, or welfare of residents or workers in the neighborhood;
- (v) Will not be detrimental to the use or development of adjacent properties or the neighborhood generally; and (vi) Conform to an approved Tree Conservation Plan.