



Office of the Chairman
Prince George's County Planning Board

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July 15, 2021

The Honorable Calvin S. Hawkins, II
Chairman
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Dear Chairman Hawkins:

Re: CB-50-2021 and CB-51-2021

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the July 15, 2021 Planning Board meeting, the following positions were adopted in accordance with the planning staff's recommendations on the proposed legislation. **A Planning Board Analysis of the bill is attached for your consideration and a brief excerpt from the report is provided below:**

***CB-50-2021** A bill to amend the Residential Table of Uses to permit, by right, the development of a mix of residential and commercial retail uses in the Residential Estate (R-E) Zone, under certain circumstances.*

Planning Board Recommendation: Oppose.
(See Attachment 1 for full analysis)

This bill will impact a cluster of three properties located at 12205 Annapolis Road, 12105 Annapolis Road, and 5015 Enterprise Road. The tax account numbers for these properties are 0733741, 0733782, and 0817676. The 2006 *Approved Master Plan for Bowie and Vicinity* recommended residential-low land uses for all the properties. Currently, the preliminary Bowie-Mitchellville and Vicinity Master Plan is being drafted. To this date, there has not been a public discussion on potential rezoning or proposed planned development of these properties with a mix of uses that are permitted in the M-X-T Zone.

The proposed legislation preempts the purpose of the planning and zoning process. The District Council adopted CR-5-2020, which initiated the Bowie-Mitchellville and Vicinity Master Plan to start the planning and zoning process. One of the goals of planning is to make sure that there are adequate land and public facilities (roads, water, and sewer, police, fire, and emergency services) for future land uses. If the affected properties are appropriate for the mix of uses allowed by this bill, then the Master Plan and SMA are more appropriate vehicles to consider that change.

Furthermore, 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 variety of shapes and widths of a single-family detached residential subdivision on large lots with an estate-like atmosphere, which is not in keeping with the M-X-T Zone. The M-X-T Zone uses could generate large traffic volumes created by eating or drinking establishments, department or variety stores, hotels, or motels in the R-E Zone. These uses are contrary to the stated purpose of the R-E Zone.

The cluster of properties that are impacted by this bill are all located outside of a Plan 2035 Center and are designated as Established Communities. Established Communities are most appropriate for low-to-medium density development. The uses allowed in the M-X-T Zone fit in medium-to-high density areas that may have major transportation facilities such as metro rail stations or major road interchanges. The cluster of properties impacted by this bill are not appropriate for M-X-T Zone uses.

If the District Council intends to move forward with the proposed legislation the Planning Board would like to recommend a few amendments.

- The Planning Board recommends parking and loading regulations be added to the bill for the uses.
- On page 3, under footnote 143 (a)(2) delete the words “the applicable area Master Plan of Transportation.” The language should either read “the Master Plan of Transportation” or reference “the applicable area master plan or sector plan.”
- Under (a)(3) amend the words “mixed-use/planned community zone”. There is no mixed-use/planned community zone. The language should read “mixed-use zone or planned community zone”.
- Letter (b) applies the M-X-T Zone regulations in Sections 27-544 and 27-548 to development of the properties. However, these sections include some regulations, such as floor area ratio (FAR), that are established on a Conceptual Site Plan (CSP). Additionally, Section 27-547(b) under footnote 7 requires the “maximum number and dwelling unit type” to be determined at the time of CSP approval. Therefore, the Planning Board recommends that a CSP be required in footnote 143 to show the maximum number and type of dwelling units that are permitted on the properties, and to provide a comprehensive plan for the mixed-use development.

The adopted Zoning Ordinance retains the R-E Zone as the Residential Estate (RE) Zone. The M-X-T Zone was not carried over into the new Zoning Ordinance. Many of the uses that would be permitted by CB-50-2021, should it be adopted by the Council, are not permitted in the RE Zone.

CB-51-2021 A bill to permit certain “Warehouse and Distribution” uses in the Mixed Use Transportation (M-X-T) Zone and permit “Townhouse all others” in the One-Family Detached Residential (R-55) Zone, under certain circumstances.

Planning Board Recommendation: Oppose.
(See Attachment 2 for full analysis)

The Planning Board has been unable to determine the exact number of properties that would be impacted by CB-51-2021.

Numerous unintended consequences could be created by the proposed legislation. Planning Board has several comments and questions we would like to offer for District Council consideration. Planning Board has requested that the bill sponsor identify the property for which this text amendment has been proposed, but that information has yet to be received.

Footnote 143

The Planning Board has several questions about this footnote:

Why does the footnote permit "townhouses all others" only as part of a previously approved DSP for a mixed-use development that already includes townhouses, industrial and commercial retail uses?

Is the intent of this bill to add R-55-zoned land to a previously approved DSP and then propose townhouses on it? If so, that intent is not clear from the language.

There are no development regulations in the R-55 Zone for townhouses. What regulations will be used to develop the "townhouse all others"?

It should be noted that townhouses have a lower traffic trip generation rate than one-family detached dwelling units. Based on the daily traffic generation, more townhouses could be built in the same area compared to one-family detached dwelling units, before transportation adequacy would be exceeded. Also, townhouses located in less densely populated areas of the county or areas of the county that have less transit accessibility have generally shown a need for additional parking spaces beyond the 2.04 required in the Zoning Ordinance.

Footnote 23

The "warehouse and distribution" use is not listed in the Mixed Use Zones Table of Uses. The only use listed is "where not otherwise specifically permitted, any use allowed in the I-1 Zone (excluding those permitted by Special Exception)" subject to footnote 10. If the District Council intends to permit the "warehouse and distribution" use as a new, a separate line should be added to permit the use under footnote 23.

The language under letter (a) requiring the property to be "100 acre plus" should be clarified. It is not clear if the intent is to include properties with 100 or more acres. Next, the language that waives filing a new CSP or amendment to an existing CSP should be deleted. This language erodes both the order of procedures and the conditions for finding approval, such as general conformance at the time of DSP with the applicable CSP. Section 27-546 requires approval of both CSP and DSP applications for all uses and improvements in the M-X-T Zone. Although CSPs are eliminated in the new zoning ordinance, the M-X-T Zone is designed to have a CSP. Pursuant to the order of development, a CSP is approved before a DSP. The CSP examines the relationships of proposed uses on-site and with uses on adjacent sites. It also sets the floor area ratio and the number of dwelling units permitted within a development project. A DSP examines the specific location and delineation of buildings, structures, parking, streets, green areas, and other physical features and land uses on the site. Section 27-282(g) already permits a DSP to amend a CSP. Therefore, again the language under letter (a) waiving new or amended CSPs should be deleted.

Letter (b) should be clarified and re-written. The language should read “Industrial uses may not exceed 60% of the net acreage of the proposed Detailed Site Plan”. This will clarify the intent of the language.

Letter (c) should be amended and clarified. It is not clear if ‘Collector’ includes a major collector or other higher classifications of right-of-way. Also, requiring an industrial use to be separated from any existing or proposed residential development by only a Collector or public utility right-of-way may not provide adequate separation from residences. Collector roads have 80-foot rights-of-way. In addition, many collector roads are spine roads that go through the center of residential neighborhoods.

The adopted Zoning Ordinance renames the R-55 Zone to the Residential, Single-Family-65 (RSF-65) Zone. Townhouses are prohibited in the RSF-65 Zone. The M-X-T Zone was not carried over to the adopted Zoning Ordinance. Although the new Zoning Ordinance eliminates CSPs, the M-X-T Zone was designed to have a CSP.

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3595. Thank you, again, for your consideration.

Sincerely,



Elizabeth M. Hewlett
Chairman

Attachments

CB-50-2021 – Planning Board Analysis (Attachment 1)

A bill to amend the Residential Table of Uses to permit, by right, the development of a mix of residential and commercial retail uses in the Residential Estate (R-E) Zone, under certain circumstances.

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

Policy Analysis:

CB-50-2021 creates the following new use: “Where otherwise not permitted, any use allowed in the Mixed-Use Transportation (M-X-T) Zone, excluding those uses permitted by Special Exception.” The bill permits this use in the Residential Estate (R-E) Zone. The bill adds a new footnote 143. Footnote 143 permits the use if the property (1) had at least 20 acres of land before subdivision; (2) has frontage on two intersecting roadways with a functional transportation classification of arterial or higher on the applicable Master Plan of Transportation; and (3) is adjacent to a property in the Mixed Use or Planned Community Zones.

This bill will impact a cluster of three properties located at 12205 Annapolis Road, 12105 Annapolis Road, and 5015 Enterprise Road. The tax account numbers for these properties are 0733741, 0733782, and 0817676. The 2006 *Approved Master Plan for Bowie and Vicinity* recommended residential-low land uses for all the properties. Currently, the preliminary Bowie-Mitchellville and Vicinity Master Plan is being drafted. To this date, there has not been a public discussion on potential rezoning or proposed planned development of these properties with a mix of uses that are permitted in the M-X-T Zone.

The proposed legislation preempts the purpose of the planning and zoning process. The District Council adopted CR-5-2020, which initiated the Bowie-Mitchellville and Vicinity Master Plan to start the planning and zoning process. One of the goals of planning is to make sure that there are adequate land and public facilities (roads, water, and sewer, police, fire, and emergency services) for future land uses. If the affected properties are appropriate for the mix of uses allowed by this bill, then the Master Plan and SMA are more appropriate vehicles to consider that change.

Furthermore, 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 variety of shapes and widths of a single-family detached residential subdivision on large lots with an estate-like atmosphere, which is not in keeping with the M-X-T Zone. The M-X-T Zone uses could generate large traffic volumes created by eating or drinking establishments, department or variety stores, hotels, or motels in the R-E Zone. These uses are contrary to the stated purpose of the R-E Zone.

The cluster of properties that are impacted by this bill are all located outside of a Plan 2035 Center and are designated as Established Communities. Established Communities are most appropriate for low-to-medium density development. The uses allowed in the M-X-T Zone fit in medium-to-high density areas that may have major transportation facilities such as metro rail stations or major road interchanges. The cluster of properties impacted by this bill are not appropriate for M-X-T Zone uses.

If the District Council intends to move forward with the proposed legislation the Planning Board would like to recommend a few amendments.

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- Under (a)(3) amend the words “mixed-use/planned community zone”. There is no mixed-use/planned community zone. The language should read “mixed-use zone or planned community zone”.
- Letter (b) applies the M-X-T Zone regulations in Sections 27-544 and 27-548 to development of the properties. However, these sections include some regulations, such as floor area ratio (FAR), that are established on a Conceptual Site Plan (CSP). Additionally, Section 27-547(b) under footnote 7 requires the “maximum number and dwelling unit type” to be determined at the time of CSP approval. Therefore, the Planning Board recommends that a CSP be required in footnote 143 to show the maximum number and type of dwelling units that are permitted on the properties, and to provide a comprehensive plan for the mixed-use development.

Impacted Property:

The properties that are impacted by this bill are located at 12205 Annapolis Road, 12105 Annapolis Road, and 5015 Enterprise Road.

Adopted Zoning Ordinance:

The adopted Zoning Ordinance retains the R-E Zone as the Residential Estate (RE) Zone. The M-X-T Zone was not carried over into the new Zoning Ordinance. Many of the uses that would be permitted by CB-50-2021, should it be adopted by the Council, are not permitted in the RE Zone.

Following discussion, the Planning Board voted to oppose CB-50-2021.

CB-51-2021 – Planning Board Analysis (Attachment 2)

A bill to permit certain “Warehouse and Distribution” uses in the Mixed Use Transportation (M-X-T) Zone and permit “Townhouse all others” in the One-Family Detached Residential (R-55) Zone, under certain circumstances.

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

Policy Analysis:

CB-51-2021 permits “Townhouse all others” in the One-Family Detached Residential (R-55) Zone by right subject to a new footnote. Footnote 143 permits the use on a property that is part of a previously approved Detailed Site Plan (DSP) that includes other townhouses, industrial, and commercial development.

Next, the bill permits a “Warehouse and Distribution” use in the M-X-T Zone under another new footnote. Footnote 23 permits the use if the property has a previously approved DSP with 100 or more acres, which includes residential and commercial uses. An amended or new Conceptual Site Plan (CSP) application is not required, if there is an approved DSP that includes residential and commercial retail uses. The proposed industrial uses must not exceed 60 percent and must be separated from existing or proposed residential development by a Collector or Public Utility right-of-way.

The Planning Board has been unable to determine the exact number of properties that would be impacted by CB-51-2021. Numerous unintended consequences could be created by the proposed legislation. Planning Board has several comments and questions we would like to offer for District Council consideration. Planning Board has requested that the bill sponsor identify the property for which this text amendment has been proposed, but that information has yet to be received.

Footnote 143

The Planning Board has several questions about this footnote:

Why does the footnote permit "townhouses all others" only as part of a previously approved DSP for a mixed-use development that already includes townhouses, industrial and commercial retail uses?

Is the intent of this bill to add R-55-zoned land to a previously approved DSP and then propose townhouses on it? If so, that intent is not clear from the language.

There are no development regulations in the R-55 Zone for townhouses. What regulations will be used to develop the “townhouse all others”?

It should be noted that townhouses have a lower traffic trip generation rate than one-family detached dwelling units. Based on the daily traffic generation, more townhouses could be built in the same area compared to one-family detached dwelling units, before transportation adequacy would be exceeded. Also, townhouses located in less densely populated areas of the county or areas of the county that have less transit accessibility have generally shown a need for additional parking spaces beyond the 2.04 required in the Zoning Ordinance.

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The language under letter (a) requiring the property to be "100 acre plus" should be clarified. It is not clear if the intent is to include properties with 100 or more acres. Next, the language that waives filing a new CSP or amendment to an existing CSP should be deleted. This language erodes both the order of procedures and the conditions for finding approval, such as general conformance at the time of DSP with the applicable CSP. Section 27-546 requires approval of both CSP and DSP applications for all uses and improvements in the M-X-T Zone. Although CSPs are eliminated in the new zoning ordinance, the M-X-T Zone is designed to have a CSP. Pursuant to the order of development, a CSP is approved before a DSP. The CSP examines the relationships of proposed uses on-site and with uses on adjacent sites. It also sets the floor area ratio and the number of dwelling units permitted within a development project. A DSP examines the specific location and delineation of buildings, structures, parking, streets, green areas, and other physical features and land uses on the site. Section 27-282(g) already permits a DSP to amend a CSP. Therefore, again the language under letter (a) waiving new or amended CSPs should be deleted.

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Letter (c) should be amended and clarified. It is not clear if 'Collector' includes a major collector or other higher classifications of right-of-way. Also, requiring an industrial use to be separated from any existing or proposed residential development by only a Collector or public utility right-of-way may not provide adequate separation from residences. Collector roads have 80-foot rights-of-way. In addition, many collector roads are spine roads that go through the center of residential neighborhoods.

Impacted Property:

The Planning Department is not able to determine which properties will be impacted by CB-51-2021.

Adopted Zoning Ordinance:

The adopted Zoning Ordinance renames the R-55 Zone to the Residential, Single-Family-65 (RSF-65) Zone. Townhouses are prohibited in the RSF-65 Zone. The M-X-T Zone was not carried over to the adopted Zoning Ordinance. Although the new Zoning Ordinance eliminates CSPs, the M-X-T Zone was designed to have a CSP.

Following discussion, the Planning Board voted to oppose CB-51-2021.