

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2018 Legislative Session

Resolution No. CR-78-2018
Proposed by Council Member Davis
Introduced by Council Members Davis and Patterson
Co-Sponsors _____
Date of Introduction October 16, 2018

RESOLUTION

1 A RESOLUTION concerning

2 Largo Town Center Downtown Regional Transit District

3 For the purpose of designating, pursuant to the current County General Plan, *Plan Prince*
4 *George's 2035*, the geographic boundaries of the Largo Town Center Downtown and Regional
5 Transit District, in order to incentivize economic development while fulfilling market demand in
6 areas of Prince George's County that are legislatively targeted for high-density development and,
7 in accordance with applicable law, authorizing a limited payment alternative for the County
8 school facilities surcharge for qualified, multifamily residential dwellings therein.

9 WHEREAS, pursuant to the provisions of Article XI-A of the Maryland Constitution, the
10 District Council takes legislative notice that Prince George's County is a county that has adopted
11 a charter home rule form of government, pursuant to majority vote in favor thereof by the
12 qualified voters of the County at the November 3, 1970, regular election held for members of the
13 House of Representatives of the United States; and

14 WHEREAS, as a duly ratified charter county within the State, Prince George's County
15 must therefore enact, adopt, amend, and execute a comprehensive plan for the physical
16 development of land herein, in accordance with Section 1-405, Land Use Article, Annotated
17 Code of Maryland, being also a public general law applicable to all charter counties in the State
18 of Maryland; and

19 WHEREAS, as specifically prescribed within the Regional District Act, at Section 21-103.
20 Land Use Article, the Commission shall review, 2 years after each decennial census of the

1 United States, the general plan for the development of that portion of the regional district located
2 in Prince George's County; and

3 WHEREAS, Section 21-104, Land Use Article further requires that such required general
4 plan and any amendment to the general plan shall contain the Commission's recommendations
5 for development within the regional district, descriptive or supporting material as required or
6 appropriate, and all minimum elements statutorily specified under Title 1, Subtitle 4 of the Land
7 Use Article; and

8 WHEREAS, as set forth in Title 21, discussed above, the District Council appreciates the
9 stated minimum elements required for inclusion in a general plan within Section 1-406, Land
10 Use Article, most particularly, the requirement for incorporation of a Development Regulations
11 Element, as well as all visions recited in Section 1-201, Land Use, in a general plan, more
12 specifically: (1) the required vision for Growth Areas, *i.e.*, growth that is concentrated in
13 existing population and business centers, growth areas adjacent to these centers, or strategically
14 selected new centers; (2) the required vision for Housing, *i.e.*, a range of housing densities, types,
15 and sizes that provide residential options for citizens of all ages and incomes; (3) the required
16 vision for Economic Development, *i.e.*, economic development and natural resource-based
17 businesses that promote employment opportunities for all income levels and; lastly, (4) the
18 required vision for Implementation, *i.e.*, specific strategies, policies, programs, and funding for
19 growth and development, resource conservation, infrastructure, and transportation that are
20 integrated across local, regional, and State level to achieve these visions; and

21 WHEREAS, in accordance with Section 21-216, the District Council approved procedures
22 for the Commission to initiate, submit, adopt, and amend a plan or part of a plan, and for the
23 district council to approve or amend a plan or part of a plan within its local zoning laws,
24 specifically, at Section 27-641 of the Zoning Ordinance of Prince George's County, being also
25 Subtitle 27 of the Prince George's County Code; and

26 WHEREAS, in accordance with the foregoing requirements of State law, as well as
27 applicable provisions of the Prince George's County Code, the District Council adopted CR-002-
28 2013 on January 22, 2013, thereby authorizing the Planning Board to initiate a General Plan
29 Amendment and approving respective goals, concepts, guidelines, and a public participation
30 program in order to develop a comprehensive approach to implement and/or update the
31 recommendations in the 2002 County General Plan; and

1 WHEREAS, as required by law, the Council approved, via adoption of CR-002-2013,
2 specific goals, concepts, guidelines, and a public participation program to direct Planning
3 Board's preparation of said General Plan Amendment; and

4 WHEREAS, as set forth therein, the District Council expressed directly the need for
5 unambiguous policy direction, development priorities, implementation programs that will serve
6 as a strategic plan with economic development strategies that will have fiscal impacts to the
7 County to guide decision-makers in determining where investments in land use and infrastructure
8 should be made in the County; and

9 WHEREAS, the categories of issues set forth in the goals, concepts, and guidelines
10 approved for the general plan project state categories of issues intended to correspond with the
11 required elements of the general plan, in relevant part: (1) A Development Pattern Goal that
12 encourages economic vitality, community well-being, and environmental stewardship, to include
13 guidelines for identification of priority center(s) for government incentives and short-term
14 investment that will catalyze transit-oriented development in the County, and how to leverage
15 public dollars to spur development in market challenged areas, especially at designated centers;
16 (2) An Economic and Business Development Goal that encourages quality economic
17 development at appropriate locations to increase employment opportunities for a range of skill
18 and educational levels, income, and the tax base, so as to develop and attract a workforce with
19 the required education and skills to meet the needs of the changing economy, as well to expand
20 economic opportunities in the County to revitalize economically depressed areas, reduce poverty,
21 and minimize income inequalities, while retaining and enhancing existing businesses and sectors
22 such as education, health care, retail, and agriculture; and (3) A Housing Goal that enhances the
23 quality, character, and health of neighborhoods through the provision of a high-quality mix of
24 residential development which meets contemporary standards for energy efficiency and offers a
25 variety of options for a range of incomes and ages, along with associated strategies to ensure that
26 affordable housing is available in location-efficient areas with access to employment centers and
27 amenities; and

28 WHEREAS, pursuant to the foregoing direction issued by the District Council, the Planning
29 Board Staff prepared a preliminary General Plan Amendment, *Plan Prince George's 2035*
30 which, upon public notice and duly advertised joint public hearing in accordance with law, the

1 District Council and the Planning Board held a duly advertised joint public hearing on November
2 12, 2013, to receive public testimony on the preliminary plan; and

3 WHEREAS, the Planning Board held work sessions January 16, 2014, January 23, 2014,
4 and January 30, 2014, to review comments contained in the joint public hearing record and staff
5 recommendations thereon; and

6 WHEREAS, on February 4, 2014, the Planning Board adopted resolution PGCPB No. 14-
7 10, thereby recommending approval of *Plan Prince George's 2035 Adopted General Plan* and its
8 incorporated recommendations thereon; and

9 WHEREAS, thereafter, upon transmittal of *Plan Prince George's 2035 Adopted General*
10 *Plan* by the Planning Board on March 6, 2014, the District Council conducted respective work
11 sessions on March 18, 2014, March 25, 2014, and April 1, 2014, and April 22, 2014, in order to
12 consider the record of public hearing testimony; the recommendations of the Planning Board
13 within PGCPB No. 14-10; and to determine whether revisions to the adopted plan were
14 necessary or appropriate; and

15 WHEREAS, before concluding the April 22, 2014, work session, the District Council
16 directed its legal counsel to prepare a Resolution of approval with certain articulated limited,
17 non-substantive revisions; and

18 WHEREAS, on May 6, 2014, in accordance with the requirements of applicable State and
19 local zoning laws, the District Council unanimously approved *Plan Prince George's 2035* as its
20 current General Plan via adoption of CR-026-2014; and

21 WHEREAS, as announced in the text of "Section 1: A Blueprint for Tomorrow—Vision
22 Chapter," the second-leading stated development policy of Plan 2035—as was prepared by
23 Planning Staff, adopted by the Planning Board, and then unanimously approved by the District
24 Council—stresses the overarching mantra that County resources and efforts must be focused on
25 explicitly targeted areas in the near- to mid-term, for purposes of public sector funding and
26 incentives, called "Downtowns,;" and

27 WHEREAS, the Strategic Investment Map chapter of Section 1 explains that the
28 designation of the three Downtowns in Plan 2035 is the first of two transformative
29 implementation recommendations, as the Downtowns are best positioned to develop—in the
30 near-term—into vibrant, walkable, regional-serving centers; and

1 WHEREAS, the Strategic Investment Map in the governing general plan states that, in
2 meeting the stated housing and employment targets, each Downtown will serve as a model for
3 future, regionally-competitive mixed-use development across the County; and

4 WHEREAS, the 2014 General Plan adopted by the Planning Board and approved by the
5 Council unequivocally designates the Largo Town Center as one of its three initial County
6 Downtowns; and

7 WHEREAS, as adopted by Planning Board, the District Council approved, in identifying
8 key opportunities set forth in the Economic Prosperity Chapter of Section IV, new, goals and
9 land use policy that prioritize County investments by targeting emerging economic hubs,
10 “Downtowns,” to include designated ‘hotspot’ area in and around the campus of the new
11 regional medical center at Largo Town Center which, the Council determined, presents
12 enormous opportunity to catalyze job growth, attract investment, grow our commercial tax base,
13 and promote pedestrian-oriented, bicycle friendly, transit-oriented mixed use development; and

14 WHEREAS, the approved Economic Prosperity Element calls for: (1) the colocation of
15 compatible and complementary public facilities, such as libraries and community health centers;
16 (2) a revised methodology that calculates the surcharge fees for schools and public safety,
17 including such alternative surcharge payment options as charging fees by unit type, identifying a
18 schedule to review school construction costs, and standardized methodology for pupil yield; and
19 (3) the development of partnerships between high schools, institutes of higher learning such as
20 Prince George’s Community College, local businesses, and government agencies support
21 existing businesses and to attract new businesses to the Regional Transit Districts and Local
22 Centers; and

23 WHEREAS, this Economic Prosperity Chapter Element also directs, in paragraph “EP4.1”,
24 that the County promote the development of a healthcare industry cluster around the planned
25 University of Maryland Medical System regional medical center by supporting tools to attract
26 related uses and businesses; and

27 WHEREAS, among the statutorily required Priority Implementation strategies in “Section
28 V: Implementation” of the approved general plan, Priority 2 expressly calls for a very specific
29 and strategic Focus on the “Downtowns” and the “Innovation Corridor,” stating that the
30 designated areas best suited to become economic engines and models for future development

1 must have focused programmatic support and funding by the County for, at minimum, the next
2 five years; and

3 WHEREAS, accordingly, the District Council pronounced, at Table 25 within “Section V:
4 Implementation,” a specific Countywide Short-Term Implementation Strategy for public
5 agencies and partners for the incentivization of the Downtown at Largo Town Center to support
6 the cluster around the pending regional medical center campus; and

7 WHEREAS, the Priority Implementation strategies affirm the decision of the Council direct
8 that the majority of County resources and investment be focused on the designated downtowns to
9 ensure their success, calling for: (a) Enactment of legislation to confirm the initial Downtown
10 designations and to establish tax increment financing districts, parking districts, transportation
11 demand management districts, and other targeted financial and implementation programs, as
12 necessary and appropriate, to facilitate the development of Downtowns, such as “P.D1.9” of this
13 Chapter, the express implementation strategy to “[r]educe surcharge fees or exempt the
14 Downtowns from the public facility and school surcharge fees, in particular for multi-family
15 units; and

16 WHEREAS, since approving *Plan Prince George’s 2035* in 2014, the District Council
17 remains mindful of its statutory obligations within Section 1-417(b), Land Use Article, as
18 amended in 2013, which require a charter county to ensure that the implementation of the
19 visions, the development regulations element, and the sensitive areas element of the plan are
20 achieved through the adoption of certain implementation mechanisms, consistent with the
21 comprehensive plan, to include: (1) zoning laws; and (2) local laws governing planned
22 development, subdivision, and other land use provisions; and

23 WHEREAS, the term “Regulation” is defined in Sections 1-101(l), and (n), Land Use, as
24 follows: (1) “a rule of general applicability and future effect”; and “(2) ‘Regulation includes a
25 map or plan’”, defined in this Section as inclusive of a general plan; and

26 WHEREAS, pursuant to the 2012 Land Use Article Review Committee notes within the
27 Annotated Code of Maryland, the General Assembly was advised that “the inclusion of the
28 defined term ‘plan’ in the definition of ‘regulation’ herein may be construed to make a
29 ‘comprehensive plan’, as that term is included in the definition of ‘plan’ . . . a regulatory device
30 rather than a guide”; and

1 WHEREAS, the Council is unable to uncover any discernable legislative action by the
2 General Assembly in response to the Land Use Article Review Committee’s suggestions since
3 Chapter 426, 2012 Laws of Maryland became effective; and

4 WHEREAS, in light of the longstanding statutory responsibility of Prince George’s County
5 set forth in Section 23-106(a), (b)(2), Land Use, the Prince George’s County Council, sitting as
6 the District Council, is required to impose, by local law, public facilities standards and
7 requirements with respect to schools; and

8 WHEREAS, the Council is bound, by concurrently applicable prescriptions of law set forth
9 in Title 1, Subtitle 4, Land Use Article, said provisions require the implementation of
10 development regulations element of a comprehensive plan by a charter county through adoption
11 of implementation mechanisms, as follows: “(1) zoning laws; and (2) local laws governing . . .
12 other land use provisions”; and

13 WHEREAS, Section 1-101(j), Land Use, defines the term, “Local law,” as: “(1) an
14 enactment of the local legislative body of a local jurisdiction, whether by ordinance, resolution,
15 or otherwise; and “(2) ‘Local law’ does not include a public local law”; and

16 WHEREAS, the Council has actual knowledge that the term “public local law” is known at
17 Maryland law as “an enactment by the General Assembly that applies to a single county”; and

18 WHEREAS, the school facilities surcharge is a public local law first enacted by General
19 Assembly in 1995 and applies only in Prince George’s County; and

20 WHEREAS, to comply with such mandatory prescriptions of the Land Use Article, being
21 also a public general law enacted by the General Assembly, as defined in Section 1-204, General
22 Provisions Article, the District Council expressly recognizes its statutory land use responsibility
23 for adoption of such applicable implementation mechanisms consistent with the County general
24 plan via Sections 1-417 and 23-106, respectively; and

25 WHEREAS, in February 2018, the Local legislative body, *i.e.* the County Council,
26 presented a legislative proposal to amend the local laws of Prince George’s County, styled as
27 CB-006-2018, in furtherance of applicable State law mandates for implementation of such
28 development regulations within the current General Plan that was approved by the District
29 Council via CR-026-2014; and

1 WHEREAS, on March 8, 2018, the Public Safety and Fiscal Management Standing
2 Committee of the Prince George’s County Council considered CB-006-2018 and favorably
3 reported same to the floor of the County Council; and

4 WHEREAS, on July 24, 2018, the County Council conducted a public hearing in
5 accordance with the prescriptions for local laws set forth in the Land Use Article, Annotated
6 Code of Maryland; and

7 WHEREAS, on September 28, 2018, the Council favorably voted to enact CB-006-2018, an
8 Act to amend the local laws of Prince George’s County within Subtitle 4 of the Prince George’s
9 County Code, in conformance with the statutory obligation imposed by State law to ensure the
10 implementation of the County general plan; and

11 WHEREAS, on October 2, 2018, the Council voted to finally approve CB-006-2018,
12 thereby providing, by local law, certain limited enabling authority for potential approval of
13 certain payment alternatives—for certain qualified multi-family residential dwelling uses and
14 certain conversions of office space commercial uses to multifamily residential dwelling uses—as
15 to the County school facilities surcharge; and

16 WHEREAS, the Council finds that the implementation mechanisms for such land use and
17 development regulations approved via *Plan Prince George’s 2035* are reasonable and necessary
18 to serve the important statutory and governmental interest in the adoption of: (1) zoning laws;
19 and (2) local laws governing ... (iii) other land use provisions”; and

20 WHEREAS, such local law may not be a public local law enacted by the General Assembly
21 applicable only to Prince George’s County; and

22 WHEREAS, the Council is bound by the provisions within the current general plan, *Plan*
23 *Prince George’s 2035*, to confirm the designation and geographic boundaries of the Largo Town
24 Center (“LTC”) Downtown and Regional Transit District and to implement alternatives for
25 payment of the school facilities surcharge therein by local law; and

26 WHEREAS, a Resolution has the force and effect of law but of a temporary or
27 administrative character.

28 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
29 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
30 Regional District in Prince George's County, Maryland, that the boundaries of the LTC Downton
31 are hereby designated as the geographic area of land beginning from the outermost property

1 boundaries of the campus of the Prince George’s Community College, as set forth in
2 “Attachment A” hereto and incorporated as if set forth fully herein, extending up to and
3 including the land area bounded by the 2013 *Largo Town Center Sector Plan and Sectional Map*
4 *Amendment*.

5 BE IT FURTHER RESOLVED THAT, the Council finds, based on its assessment of the
6 most analysis supplied by staff of the Planning Commission, there are sufficient available seats
7 within the respective public schools in the vicinity of the LTC Downtown and Regional Transit
8 District as designated herein.

9 BE IT FURTHER RESOLVED THAT, in accordance with the development regulations
10 and policies approved in *Plan Prince George’s 2035*, coupled with the local law enacted by the
11 Council, CB-006-2018, for property located within the boundaries of the LTC Downtown
12 designated herein, and unless such other reduction or waiver is applicable by law, an alternative
13 payment for the school facilities surcharge shall apply, specifically, the school facilities
14 surcharge may be reduced by fifty percent (50%) for development of multifamily housing
15 dwelling units, or multifamily dwelling units through the conversion of an office building.

16 BE T FURTHER RESOLVED that this Resolution shall be abrogated and of no further
17 force and effect, without further action of the Council, after December 31, 2021.

Adopted this 16th day of October, 2018.

COUNTY COUNCIL OF PRINCE GEORGE’S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE’S COUNTY,
MARYLAND

BY: _____
Dannielle M. Glaros
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council