

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2021 Legislative Session

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**Reference No.:** CB-049-2021

**Draft No.:** 2

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 07/06/2021

**Action:** FAV(A)

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### REPORT:

Committee Vote: Favorable as amended, 10-0 (In favor: Council Members Hawkins, Anderson-Walker, Davis, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras and Turner)

The Committee of the Whole convened on July 6, 2021 to consider CB-49-2021. The Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. CB-49-2021 Draft-1 amends the Zoning Commercial Zone Table of Uses to permit the development of multifamily dwelling uses by right in the C-O (Commercial Office) Zone, subject to certain location and development regulations.

Council Member Glaros, the bill's sponsor, informed the Committee that the legislation was drafted to facilitate the development of a housing project within an Opportunity Zone and a Transit District Overlay Zone in proximity to a WMATA station located in her district. Ms. Glaros explained that if the proposed Countywide Map Amendment were in place, the residential use would be permitted, and this legislation would not be necessary.

The Planning Board supports the legislation with amendments and provided the following analysis by letter dated July 1, 2021 to Council Chair Hawkins:

This legislation will impact two undeveloped properties. The first property is located at 4825 Ellin Road. The second property is located at 4851 Ellin Road. Both properties are in the May 2010 Approved *New Carrollton Transit District Development Plan (TDDP) and Transit District Development Overlay Zoning Map Amendment (TDOZMA)*. The proposed legislation to develop multifamily dwelling units will promote the development of a high-density, mixed-use residential and commercial neighborhood with walkable access to the metro station and the future Purple Line.

Delete the proposed footnote 85 within the Residential Table of Uses under the C-S-C Zone. There are no C-S-C zoned properties that meet the criteria under footnote 85. The impacted properties are in the C-O Zone.

Amend letter (C) of footnote 85 to clarify that a metro station should be measured from the

center of any platform. The language is recommended because it designates a specific point of measurement.

Delete letters (F) and (G) under footnote 85. Letter (F) requires a DSP to be in conformance to the requirements and regulations of the TDDP, which is already required since the properties are located within the TDOZ.

Letter (G) removes development regulations that are applicable in the C-O Zone and requires conformance with the transit development standards. The properties are in the TDOZ. The Planning Board recommends the deletion of both letters since the *New Carrollton TDDP and TDOZ* will govern the development of these properties.

The adopted Zoning Ordinance does not carry over the Transit Development District Overlay Zone. The C-O and C-S-C Zones are combined and renamed the Commercial General and Office (CGO) Zone. Multifamily dwelling units are permitted by right in the CGO Zone with use-specific standards.

The Committee reviewed a Proposed Draft-2 (DR-2) containing amendments requested by the bill sponsor to address Planning Board comments. Proposed DR-2 included amendments to strike the footnote 85 notation next to C-S-C Zone in the table, and amend footnote 85 as follows:

Permitted use, provided that:

(A) The use is located on one or more lots totaling less than four (4) acres in size;

(B) The property is located within a Transit District Overlay Zone and within an area designated as a Regional Transit District by Plan Prince George's 2035 General Plan;

(C) A boundary of the property is located within 1,000 feet of a metro station, AS MEASURED FROM THE CENTER OF ANY PLATFORM;

(D) The property abuts an operating rail line; AND

(E) Total development does not exceed one hundred (100) units per gross acre;

~~(F) A Detailed Site Plan shall be approved in accordance with the requirements and regulations of the applicable Transit District Development Plan;~~

~~(G) Regulations concerning lot size, net lot area, lot coverage, frontage, setbacks, density, landscaping, buffering, parking, building height, and other requirements of the C-O Zone shall not apply. Instead, such regulations shall conform to any applicable Transit District Development Standards, unless modified pursuant to the provisions of Section 27-548.08 or Section 27-548.09.01 of the Zoning Ordinance as applicable or, where such regulations are not specified, shall be established pursuant to the review and approval of the Detailed Site Plan;~~

The Office of Law reviewed CB-49-2021 as it was presented on June 22, 2021 along with Proposed DR-2, that was presented to the Committee of the Whole on July 6, 2021 and finds Proposed DR-2 to be in proper legislative form with no legal impediments to its enactment. The Zoning Hearing Examiner reviewed Proposed DR-2 and had no additional comments or suggested revisions. Terry Bell, County Executive's Liaison to the County Council, indicated that the County Executive is in support of the legislation.

Edward Gibbs, representing Wood Partners, testified in support of the legislation. Mr. Gibbs noted his concern with meeting the requirement of the Planning Board recommendation's in

footnote 85 (C) for the distance measurement to be from the center of any platform. Council Member Glaros suggested additional discussion with Planning staff concerning this recommendation, and if appropriate, the language may be removed at the time of public hearing and prior to enactment as a non-substantive amendment.

The Committee voted favorable, 10-0, on CB-49-2021 as amended in Proposed DR-2.