

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2021 Legislative Session

Reference No.: CB-089-2021

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 10/7/2021

Action: FAV(A)

REPORT:

Committee Vote: Favorable as amended, 8-0 (In favor: Council Members Hawkins, Davis, Franklin, Glaros, Harrison, Ivey, Taveras, and Turner)

The Committee of the Whole convened on October 7, 2021 to consider CB-89-2021. The Planning, Housing and Economic Development Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. CB-89-2021 amends the Zoning Ordinance to permit certain residential development in the C-O (Commercial Office) Zone, and I-1 (Light Industrial) Zone under certain specific circumstances as provided in new Footnote 85 to the commercial zones use table and new Footnote 77 to the industrial zones use table.

The Planning Board opposed the legislation and provided the following analysis by letter dated September 30, 2021 to Council Chairman Hawkins:

“Policy Analysis:

CB-89-2021 permits “Dwelling, multifamily” in the Commercial Office (C-O) and the Light Industrial (I-1) Zones subject to two new footnotes with the same language. The legislation will affect 27 properties with 25 associated tax account numbers.

The Planning Board has numerous comments for District Council consideration under footnotes 85 and 77.

Under letter (A) there should be language added to designate a specific point of measurement for the one-and-a-half-mile radius, such as the center of a platform. The addition of a definition and point of measurement would specify which properties would qualify under the proposed legislation.

Letter (E) should be deleted. Bedroom percentages no longer apply under Section 27-419. The language under the section states regulations concerning bedroom percentages shall not apply to multifamily residential uses on or after October 1, 2019.

The language under letter (F) should be deleted. The language appears to waive all requirements and regulations for the C-O and I-1 Zones. It would establish development standards at the time of DSP review and approval. This process defeats the entire purpose of zoning and denies the District Council and Planning Board the ability to apply any objective standards for development. If the legislation moves forward as drafted, the Planning Board will have no zoning regulations to review at the time of the Preliminary Plan of Subdivision, including density and lot size.

The language under letter (F) referencing landscaping and parking and loading should be deleted. The Landscape Manual and parking and loading regulations are based on the use not the zone.

The Planning Board recommends opposition to the proposed legislation. It does not include development regulations, which leaves the development of the site to be determined subjectively.

The District Council is on the eve of implementing its 21st Century subdivision and Zoning Ordinances. The Planning Board strongly recommends that the District Council not make additional changes to the current Zoning Ordinance.

Impacted Property:

This legislation will impact 27 properties. There are 25 tax account numbers associated with the 27 properties.

Adopted Zoning Ordinance:

The adopted Zoning Ordinance renames the C-O Zone the Commercial General and Office Zone (CGO) Zone. In addition, the I-1 Zone is renamed the Industrial/ Employment (IE) Zone. Multifamily dwelling units are permitted in both zones with use-specific standards.”

The Office of Law reviewed CB-89-2021 as it was presented on September 21, 2021 and finds it to be in proper legislative form. The Office of Law deferred to the M-NCPPC memo for analysis of possible impediments. Most notably the lack of definition clearly identifying points of measure for qualification in letter (A) makes CB-89-2021 legally ambiguous. The Office of Law also offers the following technical amendments: - Pg. 4, Ln. 1: change “#” to “2”.

Thomas Haller, representing Walker Mill Development Group, LLC, testified in support of the legislation and submitted a letter for the record. Mr. Haller commented his client’s property which is split zoned and is located in an area near a Metro station that is transitioning from industrial to residential. Mr. Haller indicated his agreement with the Planning Board recommended revisions to the footnotes in the bill.

Council Chairman Hawkins indicated that due to the amendments not being in proper form for the Committee’s review, the bill should be held in Committee. On a motion by Chairman Hawkins and second by Council Member Davis, the Committee voted 9-0 to hold CB-89-2021 in Committee.

Subsequent to discussion of other legislative items on the October 7, 2021 Committee of the

Whole agenda, Council Chairman Hawkins made a motion to reconsider CB-89-2021. Council Member Glaros seconded the motion, which passed 8-0.

The Committee reviewed a Proposed Draft-2 (DR-2) with amendments included to address Planning Board comments as follows:

ded:

- A) ~~The boundary of the property is located within 1.5 miles from the center of a Metro Station platform operated by the Washington Metropolitan Area Transit Authority (WMATA). The property fronts on a roadway with a functional transportation classification of arterial within the applicable Master Plan;~~
- B) The property contains a minimum of seven (7) acres of land.
- C) The preliminary plan of subdivision for the proposed development shall include land in both the I-1 and C-O zones;
- D) Each multifamily building shall consist of at least three stories and be served by an elevator;
- E) ~~The bedroom percentages for multifamily dwellings as set forth in Section 27-419 shall not be applicable. The density approved may not exceed 48 dwelling units per acre;~~
- F) Subject to Detailed Site Plan approval in accordance with Part 3, Division 9 of this Subtitle. Regulations concerning the height of structure, lot size and coverage, parking and loading, frontage, setbacks, density, landscaping and other requirements of the underlying zones shall not apply. All such requirements shall be established and shown on the Detailed Site Plan;

ided:

- A) ~~The boundary of the property is located within 1.5 miles from a Metro Station operated by the Washington Metropolitan Area Transit Authority (WMATA). The property fronts on a roadway with a functional transportation classification of arterial within the applicable Master Plan;~~
- B) The property contains a minimum of seven (7) acres of land.
- C) The preliminary plan of subdivision for the proposed development shall include land in both the I-1 and C-O zones;
- D) Each multifamily building shall consist of at least three stories and be served by an elevator;
- E) ~~The bedroom percentages for multifamily dwellings as set forth in Section 27-419 shall not be applicable. The density approved may not exceed 48 dwelling units per acre;~~
- F) Subject to Detailed Site Plan approval in accordance with Part 3, Division 9 of this Subtitle. Regulations concerning the height of structure, lot size and coverage, parking and loading, frontage, setbacks, density, landscaping and other requirements of the underlying zones shall not apply. All such requirements shall be established and shown on the Detailed Site Plan;

Council Member Glaros commented that the legislation as revised implements the recommendations of the new Zoning Ordinance and addresses the Planning Board concerns.

Following discussion, the Committee of the Whole voted favorable, 8-0, on CB-89-2021 with amendments as contained in Proposed DR-2.