

**PRINCE GEORGE'S COUNTY COUNCIL**  
**COMMITTEE REPORT**  
**2018 Legislative Session**

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**Reference No.:** CB-5-2018

**Draft No.:** 2

**Committee:** PLANNING, ZONING AND ECONOMIC DEVELOPMENT

**Date:** 02/21/2018

**Action:** FAV (A)

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**REPORT:**

Committee Vote: Favorable as amended, 3-0-1 (In favor: Council Members Harrison, Franklin and Patterson. Abstain: Council Member Toles)

This legislation amends the Subdivision Regulations to allow the Planning Board to approve private streets and alleys, with minimum pavement widths, to serve townhouses or two-family attached dwellings in certain zones. Committee staff summarized written referral comments that were received. Council Member Franklin, the bill's sponsor, informed the Committee that CB-5-2018 is intended to provide flexibility in the design and layout of proposed townhouse developments that do not meet the requirement for frontage on a public road.

The Zoning Hearing Examiner (ZHE) reviewed the legislation and submitted comments/concerns in a February 20, 2018 memorandum to the Committee Director: on page 2, lines 7-8, allow the width of the private right-of-way to be reduced to 22 feet "when appropriate." That language is ambiguous and may be an unlawful delegation of power (presumably to the Planning Board, although the sentence is not clear on that point). Elsewhere in the Section, reductions in width are allowed "when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development" or "when it is determined that the provision of the minimum width is consistent with safe, efficient vehicles [access]." The new language mimics existing language (p.2 lines 3-4) but the District Council should not exacerbate the problem by using that language in this bill. Given the ZHE's next concern, she recommended a similar revision be made on page 2, lines 1-4. The final concern raised by the ZHE is the fact that the purpose clause addresses the C-M, C-S-C and R-R Zones but page 2, line 5 includes the R-55, R-T and I-3 Zones. The ZHE recommended that the two areas match, and that the C-O Zone be added if the District Council agrees to strike "when appropriate" and insert one of the other phrases.

The Office of Law reviewed CB-5-2018 and offered the following comment: "All zones that are being impacted by this bill, as listed on line 5 page 2, should also be reflected in the AIS and lines 3-5 on page 1."

The Planning Board opposed the legislation and provided an analysis of this position in a February 15, 2018 letter to Council Chairwoman Glaros. The following comments are included in the letter:

“The title and purpose statement should be amended to include R-55, R-T, and I-3 Zones. On page 2, line 8, the words ‘inappropriate’ should be clarified. What is meant by reducing pavement width of private streets to twenty-two (22) feet when appropriate?”

Lines 9 through 10 should be deleted. Requiring the Planning Board to find that rear alleys constitute frontage is counterintuitive and raises more questions than it resolves. A townhouse or two-family dwelling would end up with two frontages. Requiring rear alleys to be classified as frontage on property could place residences at risk of not receiving emergency services. Alleys typically provide secondary or service access and do not require sidewalks and street trees like a public or private street. In addition, the reduced alley width may impact the turn radius for emergency and other vehicles and may cause ingress and egress issues. The front of a property has street numbers, not the alley; therefore, the numbers would not be visible from a public street.

If it is the intent of the District Council to move forward with this bill, design standards should be added to the bill to direct the use, width and location of alleys. The use of alley design standards would maintain a hierarchical street system and ensure that alleys are not listed for general circulation. Alleys should connect to a public or private street and be designed to provide access to the dwelling units. Adequate turn radius and connection to public or private streets should also be required for alleys.”

Michele LaRocca, representing Behnke Nurseries; Dan Lynch, representing PMG; and Arthur Horne, representing Haverford Homes, testified in support of the legislation. Rana Hightower (M-NCPPC Planning Director’s office), Susan Lareuse (M-NCPPC Urban Design Section) and Tom Masog (M-NCPPC Transportation Planning Section) were present to discuss the Planning Board’s concerns and respond to Council Members’ questions.

After lengthy discussion, the Committee voted favorable on CB-5-2018 with amendments to address comments provided by the ZHE, Office of Law, and Planning Board. The amendments are as follows:

- On page 1, in the purpose clause, insert I-3, R-55, R-T and C-O Zones.
- On page 2, line 4, bracket existing Code language “when appropriate” and insert proposed new language “for good cause” and on line 9, strike “when appropriate” and insert “for good cause”.
- On page 2, line 10, strike “exception” and insert “subsection”; strike “shall” and insert “may”.
- On page 2, lines 10 and 11, after “the Planning Board shall find that a”, insert “private street or”.