

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2021 Legislative Session

Reference No.: CB-051-2021

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 09/28/2021

Action: FAV(A)

REPORT:

Committee Vote: Favorable as amended, 6-0-4 (In favor: Council Members Hawkins, Davis, Franklin, Harrison, Taveras and Turner. Abstain: Council Member Anderson-Walker, Dernoga, Glaros and Ivey)

The Committee of the Whole convened on September 28, 2021 to consider CB-51-2021. 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-51-2021 amends the Zoning Ordinance to permit development of Warehouse and Distribution uses in the M-X-T Zone, subject to certain location and entitlement approvals, as well as specified development criteria, including square footage and setback regulations for the use. This legislation will also permit limited development of Townhouse uses in the R-55 Zone, provided that the uses were included in a previously approved detailed site plan approval for the subject property.

The Planning Board opposed the legislation and provided an analysis and explanation of their position by letter dated July 15, 2021 to Council Chair Hawkins. The Office of Law reviewed CB-51-2021 as it was presented on July 6, 2021 and finds it to be in proper legislative form. The Office of Law concurs with and respectfully defers to the potential impediments outlined in the M-NCPPC memorandum and notes that the vagueness may be cause for legal challenges.

The Zoning and Legislative Counsel summarized revisions in a Proposed Draft-2 (DR-2) prepared at the bill sponsor's request to address the Planning Board comments. Proposed DR-2 contained the following amendments to the Footnotes in the Residential Zones and Mixed Use Zones Table of Uses, respectively:

143 If shown as part of a previously approved WHEN ADDED TO A Detailed Site Plan for mixed use development IN AN ABUTTING M-X-T ZONE that includes other townhouse, industrial, and commercial retail development. THE M-X-T REGULATIONS WILL BE APPLICABLE TO TOWNHOUSES WITHIN THE R-55 ZONED LAND.

23 (a) Provided the property is AT LEAST 100 ACRES AND IS part of a previously approved

~~100-acre plus~~ Detailed Site Plan with residential and commercial development. The new Detailed Site Plan shall ~~No-amended or new~~ AMEND THE PREVIOUSLY APPROVED Conceptual Site Plan ~~shall be required, provided the proposed amendment to the approved Detailed Site Plan also includes residential and commercial retail uses~~ FOR ALL USES PURSUANT TO SECTION 27-282(G) OF THE ZONING ORDINANCE;

(b) Industrial uses may not exceed 60% of the ~~acres~~ GROSS ACREAGE of the land ~~area~~ shown on the proposed Detailed Site Plan; and

(c) Industrial development must be separated from any existing or proposed residential development by a ~~Collector or Public Utility Right of Way~~ BY A MINIMUM OF 75 FEET.

The following individuals testified in support: Belinda Queen, Samuel Dean, Thomas Aylward, Andre Gingles, Esq. (representing Berman Enterprises) and Reverend Douglas Edwards.

Council Member Glaros requested that the Planning Department staff provide mapping information prior to introduction of the legislation.

On a motion by Council Member Davis and second by Council Member Franklin, the Committee voted favorable with the amendments as contained in Proposed DR-2.