

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2021 Legislative Session

Reference No.:	CB-085-2021
Draft No.:	2
Committee:	COMMITTEE OF THE WHOLE
Date:	10/05/2021
Action:	FAV(A)

REPORT:

Committee Vote: Favorable as amended, 7-0 (In favor: Council Members Hawkins, Davis, Franklin, Glaros, Harrison, Ivey, and Turner)

The Committee of the Whole convened on October 5, 2021 to consider CB-85-2021. The Planning, Housing, and Economic Development (PHED) Committee Director summarized the purpose of the bill and informed the Committee of written comments received on referral.

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

“Policy Analysis:

CB-85-2021 will permit flex space in the Mixed Use-Transportation Oriented (M-X-T) Zone, if the property was rezoned from the Light Industrial (I-1) Zone to the M-X-T Zone through a Sectional Map Amendment (SMA) approved after January 1, 2007.

The proposed legislation will impact six properties located at 8200 Cattail Way, 8201 Cattail Way, 8300 Cattail Way, 8301 Cattail Way, 13900 Brandywine Road, and 13900 Mattawoman Drive. The tax identification numbers are 3714052, 3714045, 3714060, 3714029, 3714037 and 3714078. The properties are located within the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* and are associated with the Stephen's Crossing project.

Although the Planning Board generally encourages the Council not to make further amendments to the current zoning ordinance on the eve of the County's new 21st Century Zoning and Subdivision Ordinances, the Planning Board has historically supported the addition of flex space as a permitted use in the M-X-T Zone when the property is not within a Plan 2035 Center. Flex space is not an appropriate use in Centers because Centers should be reserved for higher density mixed use development. The properties affected by this text amendment are not in a Center, and therefore the Planning Board supports the flex space use.

The Planning Board has comments and suggestions on the footnote for District Council consideration. The comments are as follows:

Under letter (B) of the footnote, the Planning Board recommends the Council either add the phrase "or any successor plans" behind the words "Countywide Master Plan of Transportation," or delete the words "Countywide Master Plan of Transportation" and replace them with the words "applicable master, sector or functional plan."

The Planning Board recommends this change because tying a bill to a specific planning document such as the "2009 Approved Countywide Master Plan of Transportation" has proven to be problematic in the past.

The Planning Board believes the proposed legislation could facilitate employment opportunities for the County.”

The PHED Committee Director informed the Committee of a revision in a Proposed Draft-2 (DR-2) of the legislation, prepared at the bills sponsor’s request to address the Planning Board’s suggested revision under letter (B) of the footnote as follows:

(B) All or part of the property has frontage on a roadway with a functional classification as a freeway pursuant to the 2009 Approved Countywide Master Plan of Transportation or any successor plans.

The Office of Law reviewed CB-85-2021 as it was presented on September 21, 2021 and found it to be in proper legislative form with no legal impediments to its adoption.

Edward Gibbs, Esq. and Robert Antonetti, Esq., representing St. John Properties, Inc., testified in support of the legislation.

After discussion, on a motion by Council Member Harrison and second by Council Member Davis, the Committee voted favorable 7-0 on CB-85-2021 including the amendment under letter (B) of the footnote.