

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2021 Legislative Session

Reference No.: CB-014-2021

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 04/01/2021

Action: FAV(A)

REPORT:

Committee Vote: Favorable as amended, 10-0-1 (In favor: Council Members Hawkins, Anderson-Walker, Davis, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras and Turner. Abstain: Council Member Dernoga)

The Committee of the Whole convened on March 25, 2021 and April 1, 2021 to consider CB-14-2021. The legislation amends the Zoning Ordinance commercial zone table of uses to permit Townhouses in the C-S-C (Commercial Shopping Center) Zone, under certain circumstances provided in a new footnote to the use table.

At the March 25, 2021 meeting, Council Member Ivey, the bill's sponsor, informed the Committee that the legislation was drafted to facilitate the development of residential townhomes on a property originally planned as a strip shopping center. Ms. Ivey indicated that physically handicapped accessible dwelling units will also be included as part of the proposed development which has the support of the residents and community associations in the surrounding area.

The Planning Board opposed CB-14-2021 (DR-1) as drafted and provided the following analysis by letter dated March 11, 2021 to Council Chair Hawkins:

"The current Zoning Ordinance permits townhouses subject to specific footnotes in the Commercial Shopping Center (C-S-C) Zone. The Planning Board believes the language under footnote 85 (E) should be deleted. The Zoning Ordinance removed all bedroom percentages for multifamily dwellings units developed on or after October 1, 2019. The proposed language would not apply to townhouses because they are classified as single-family attached dwellings units.

Letter (F) should be clarified. It is not clear if the intent is to develop townhouses or multifamily dwelling units. Next, the words "In no event shall the maximum density exceed forty-eight (48) dwelling units per acre" should be deleted. The previous sentence discusses not permitting more than forty-eight (48) dwelling units per acre. Also, setting the maximum density of forty-eight 48 dwelling units per acre would equal an approximate 900 square foot townhouse lot size. This size of lot and type of density for townhouses is something usually only seen near metro stations. The Planning Board questions the planning merit in allowing this type of density adjacent to Euclidean residentially zoned property and the Capital Beltway.

The language as drafted does not provide development standards for townhouses. There are no development regulations describing the net lot area, lot size, lot coverage, green area, lot width and setbacks, yard width and setbacks, building height, and parking for the townhouses. Development standards for townhouses should be added to the bill. Perhaps adding townhouse development regulations from the Residential Townhouse (R-T) or the Mixed Use-Transportation Oriented (M-X-T) Zones would be acceptable.

Authorizing the Planning Board to set the development regulations for a property during Detailed Site Plan review, without sufficient legislative guidance, deprives the community and property owners of the predictability and objectivity that a zoning ordinance is meant to provide.

The Planning Board notes that townhouses will be permitted in the successor to the C-S-C Zone (the CGO Zone) when the adopted Zoning Ordinance takes effect. However, permitting townhouses only for certain C-S-C properties is a piecemeal approach to allowing townhouses in commercial zones that are not supported by the Planning Board, and this bill does not contain the carefully designed townhouse standards that are included in the new Zoning Ordinance.”

The Committee reviewed a Proposed Draft-2 (DR-2) containing amendments requested by the bill sponsor to address Planning Board’s comments. Proposed DR-2 included amendments to footnote 85 on page 3 as follows:

Permitted use, provided that:

A. The property is a minimum of six (6) gross acres in size and a maximum of eight (8) gross acres in size;

B. The property has frontage along the Capital Beltway (I-495);

C. The property is located adjacent to property in a residential zone;

D. A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.

~~E. The bedroom percentages for multifamily dwellings shall not be applicable.~~

~~F. Regulations concerning lot size, net lot area, lot coverage, frontage, setbacks, density, green area, buffering, parking, building height and any other regulations applicable to multifamily dwellings or to development in the C-S-C Zone shall not apply. Instead, the Detailed Site Plan shall set forth all the regulations to be followed, except the density shall not exceed forty-eight (48) units per acre. In no event shall the maximum density exceed forty-eight (48) units per acre.~~

~~G. E. The Detailed Site Plan shall be subject to the Prince George’s County Landscape Manual and shall include architectural review in order to ensure high quality design and construction materials approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning lot size, net lot area, lot coverage, frontage, setbacks, density, landscaping, buffering, parking, building height and other requirements of the C-S-C Zone shall not apply. Development shall be in accordance with the applicable dimensional requirements for townhouses in the M-X-T Zone as provided in Section 27-548(h). The remaining regulations shall be established pursuant to the review and approval of the detailed site Plan. In no event shall the number of townhouse units exceed 20 dwelling units per acre.~~

~~H. F. The development shall design and construct 5 percent of the dwelling units, or at least three units, whichever is lower, to be accessible for people with mobility disabilities~~

During discussion of Proposed DR-2, Rana Hightower, representing the Planning Board, advised of an additional recommended amendment to footnote 85 (E) to strike “landscaping, buffering, parking” which will be reviewed in accordance with the Landscape Manual and Zoning Ordinance requirements. The Office of Law reviewed CB-14-2021 as it was presented on March 2, 2021 and found it to be in proper legislative form with no legal impediments to its enactment.

Council Member Glaros inquired about the townhouse standards proposed in CB-14-2021 Proposed DR-2 in comparison to standards proposed in the new Adopted Zoning Ordinance. In order to allow additional time for Planning Department staff to respond to this question and provide a written comparison, the bill was held in committee.

On April 1, 2021, the Committee continued discussion of CB-14-2021 in the form of a Proposed DR-2A which contained the additional amendment to footnote 85 requested by Ms. Hightower during the March 25, 2021 committee meeting. The Committee also reviewed a Development Standards chart for townhouses in the Residential Townhouse (R-T) Zone, CB-14-2021 Proposed DR-2, and the Adopting Zoning Ordinance for the Residential, Single-Family Attached (RSF-A) Zone. Council Member Glaros suggested an amendment to Proposed DR-2A to require a minimum building width of 20 feet in keeping with the Adopted Zoning Ordinance standards for the CGO Zone.

Edward Gibbs, Law Offices of Gibbs & Haller, testified in support of CB-14-2021.

After additional discussion of current and proposed townhouse standards, the Committee voted favorable, 10-0-1, on CB-14-2021 Proposed DR-2A with the additional amendment to require a minimum 20-foot building width.