

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2018 Legislative Session

Reference No.: CB-062-2018

Draft No.: 2

Committee: PLANNING, ZONING, AND ECONOMIC DEVELOPMENT

Date: 09/19/2018

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Harrison, Franklin, Glaros, Patterson and Toles)

Council Committee staff summarized amendments in a Proposed Draft-2 (DR-2). Council Member Franklin, the bill sponsor, familiarized the Committee with his comments during the September 5 committee meeting concerning the purpose of CB-62-2018. Mr. Franklin informed the Committee that buffering, setback and dimensional standards were added in Proposed DR-2.

The Committee voted favorable with amendments to the footnotes on page 3 as follows:

In Footnote 66(D), after “All such requirements”, insert “except for those cited herein for townhouses” and insert a new sentence at the end of (D) to read: “Townhouses shall conform to the dimensional requirements set forth in Section 27-544(f)(2)(E) and (G).”

In footnote 68(B), strike “All such requirements shall be established and shown on the Detailed Site Plan” and insert “All such requirements as established, and the following additional requirements shall be shown on the Detailed Site Plan:

(1) Total area is 1/2 acre, plus 1,000 contiguous square feet for each person cared for above 10;

(2) Street frontage is at least 150 feet; and

(3) Setback requirement is at least 25 feet from all boundary lines of the property. The Detailed Site Plan shall include a statement detailing the level of care to be provided for the residents of the facility.

Held in committee.

9/12/2018

Council Member Franklin requested that the bill be held in committee an additional week for purposes of finalizing proposed amendments.

Held in committee.

9/5/2018

Council Committee staff gave an overview of the legislation and informed the Committee of written referral comments received. This legislation amends the Zoning Ordinance Industrial Zone use table to permit certain institutional uses, specifically assisted living facility and nursing or care home as well as townhouses in the I-1 (Light Industrial) Zone under certain circumstances provided in footnotes 66 and 68 to the table.

Council Member Franklin informed the Committee that the intent of the legislation is to encourage townhouses and senior housing in an area of his district where the vision is for mixed use, is designated as a community center, and the surrounding property already has the M-X-T (Mixed Use Transportation) Zone classification.

The Planning Board opposed CB-62-2018 and submitted a letter and staff analysis detailing their position as follows.

It is believed the bill would constitute a fundamental shift of development focus in the 1-1 Zone. The purposes of the 1-1 Zone are (A) to attract a variety of labor-intensive light industrial uses; (B) to apply site development standards which will result in an attractive, conventional light industrial environment; (C) to create a distinct light industrial character, setting it apart from both the more intense industrial zones and the high-traffic-generating commercial zones; and (D) to provide for a land use mix which is designed to sustain a light industrial character.

This bill permits by right assisted living facilities, nursing or care homes and townhouses in the 1-1 Zone. The proposed language could mean that residential dwellings and care facilities would end up very close to industrial uses. Industrial uses often generate significantly different impacts than residential uses. Without careful consideration of relationships of these uses in an industrial zone it is difficult to mitigate the different impacts.

On page 3 under both footnotes the term "Community Center Edge" should be clarified. There have been numerous "Community Centers" designated in past general, master and sector plans. Identifying potential sites that will be impacted by this bill will require a significant amount of time and effort since there are approximately two thousand (2,000) parcels zoned I-1 in the County.

Under both footnotes of the bill, regulations are developed during DSP review. This process defeats the entire purpose of zoning by preventing the uniform application of objective development standards to all properties in the 1-1 Zone. Development standards are established by the District Council in coordination with its adopted future land use recommendations in master plans and sector plans.

If development standards are not established until DSP, there is a strong possibility that a development may conflict with the District Council's approved master plans or sector plans. Furthermore, it is within the District Council's authority to establish development standards including density, and not the Planning Board. If this legislation is enacted, the Planning Board will have no zoning regulations to review the Preliminary Plan of Subdivision, including density and lot size. Private streets and alleys are not permitted in the 1-1 Zone, except in circumstances listed under Section 24-128 (Private roads and easements.).

The District Council should adopt objective development standards based on future land uses

outlined in the applicable master plan and sector plan to guide the Planning Board in its consideration of an application for a DSP that proposes assisted living facilities, nursing or care homes and townhouses in the 1-1 Zone.

The Zoning Hearing Examiner reviewed the legislation and commented that due to the vulnerability of the population they serve, certain institutional uses that currently require special exceptions have minimum acreage and setback requirements which the sponsor may wish to consider including in the legislation. The Office of Law reviewed the legislation and commented that the bill may be subject to challenge as it appears to be drafted for a specific parcel.

Council Member Glaros suggested that given the lack of certain requirements, refinement of language may be necessary to limit the bill's applicability.

Tom Haller, Gibbs and Haller, testified in support of the legislation commenting that the provisions of the bill are not intended to facilitate the development of senior housing in the middle of an industrial park. Mr. Haller explained that properties in this particular area of the County were originally zoned industrial and have now transitioned to a mixed-use center. The bill allows flexibility to find uses that are compatible with the surrounding mixed use.

The bill was held in committee to allow time for preparation of amendments to address the Zoning Hearing Examiner and Planning Board comments.