

PRINCE GEORGE'S COUNTY COUNCIL
COMMITTEE REPORT
2023 Legislative Session

Reference No.: CB-018-2023

Draft No.: 1

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 1/9/2023

Action: FAV

REPORT:

Committee Vote: Favorable, 5-0 (In favor: Council Members Ivey, Blegay, Dernoga, Olson, and Oriadha)

The Planning, Housing and Economic Development (PHED) Committee convened on January 9, 2023, to consider CB-18-2023. The PHED Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. This bill amends the Zoning Ordinance to repeal a previously enacted amendment to the local zoning laws and restores the provisions in the new Zoning Ordinance as they existed prior to the enactment of CB-97-2022 concerning the development regulations applicable to certain expedited transit-oriented development in Transit-Oriented/Activity Center Base Zones.

The Planning Board supports the bill as explained in a January 6, 2023, letter to the Council Chairman with the following analysis:

Background:

On December 12, 2022, the District Council enacted CR-3-2023, which suspended five legislative zoning amendments from taking effect until associated repeal bills are decided. CB-97-2022 is one of the five bills suspended by CR-3-2023 until the action takes place on CB-18-2023. CB-18-2023 would constitute the permanent repeal of CB-97-2022, the effective date of the CB-97-2022 was December 12, 2022.

Policy Analysis:

The Planning Board voted to oppose CB-97-2022, which undermined critical goals of the County's Zoning Rewrite project and the new Zoning Ordinance. The bill carved out a class of development and exempted that development from the regulations normally applicable in the LTO Zone. These are the type of special carve-outs that rendered the prior zoning ordinance challenging to administer. The new Zoning Ordinance applies clear, transparent, and consistent regulations to all similar development in a zone.

CB-97-2022 did away with that consistency. CB-97-2022 exempted certain expedited transit-oriented development projects from the intensity and dimensional standards and the development standards of the LTO base Zone and Part 27-6: Development Standards of the Zoning Ordinance

by allowing all standards of qualifying projects to be established through the approval of the detailed site plan. The waiver of zone standards and the development standards of Part 27-6 contradict three of the most important goals of the new Zoning Ordinance: predictability and certainty of outcomes, the desire to achieve improved development quality, and consistent application of development standards throughout the County.

The Planning Board reminded the District Council through its previous comments that the current Zoning Ordinance is the result of nine years of stakeholder effort, including the developer community, and includes procedural and conceptual changes that will take time to influence development approaches within the County. In addition, consistency in development review procedures and consistent application of development standards are essential steps to move the County forward and ensure the new ordinance's success.

CB-18-2023 would permanently repeal the text added by CB-97-2022 and restore the intent, procedures, and standards of the new Zoning Ordinance to ensure all development in the LTO Zone, regardless of location or individual circumstances will achieve similar and equitable treatment and result in high-quality development.

Comprehensive Planning Concerns:

The Planning Board believes it important to provide an additional context of the negative impacts CB-97-2022 has on the County's designated Local Centers, which received LTO zoning through the Countywide Map Amendment.

CB-97-2022 substantially impairs the implementation of the recommendations of Plan 2035, the 2006 Approved Capital Heights Transit District Development Plan, the 2010 Approved Subregion 4 Master Plan, the 2014 Approved Southern Green Line Station Area Sector Plan, the 2015 Approved Landover Metro Area/MD 202 Corridor Sector Plan, the 2018 Approved Greater Cheverly Sector Plan, and the 2022 Staff Draft West Hyattsville-Queens Chapel Sector Plan, as they apply to the Naylor Road, Cheverly, Landover, Capitol Heights, Addison Road-Seat Pleasant, Morgan Boulevard, and West Hyattsville Metro Stations by permitting buildings, landscaping, streetscaping, and other aspects of the built environment inconsistent and incompatible with the transit-oriented and walkable development recommended by these approved plans. Any development that occurs contrary to the requirements of the LTO Zone as permitted by CB-97-2022 can discourage appropriate development for Metro station areas.

The County's expectations for new development at Metro stations is an extremely important message for the County to get right, given that inappropriate development continues to occur pursuant to the prior Zoning Ordinance at several locations surrounding the Morgan Boulevard and Addison Road Seat Pleasant Metro Stations.

The Planning Board notes that the property or properties for which CB-97-2022 was written may still develop under the prior Zoning Ordinance pursuant to Section 27-1900 of the Zoning Ordinance, and also may apply for the Local Transit-Oriented Planned Development (LTO-PD) Zone.

The Chief Zoning Hearing Examiner submitted a January 3, 2023, memorandum to the PHED Committee Director with the following comments and suggested revisions:

(1) The purpose clause is slightly confusing since this bill does not repeal all of Section 27-4204

of the Zoning Ordinance (2019 Edition, 2022 Supp) – instead it appeals paragraph (b) (2) that was added pursuant to the enactment of CB-97-2022. I would revise the purpose clause as follows “For the purpose of repealing CB-97-2022 and its provisions concerning certain expedited transit-oriented development in Transit-Oriented/Activity Center Base Zones”

(2) Page 1, line 8 would either remain and the actual Section being repealed, Section 27-4204 (b)(2), inserted on line 9, or lines 8 and 9 would change to “By repealing and reenacting Section 27-4204”. I would defer to your legislative officers as to which would be proper. A similar change would be required on page 1, lines 17-19.

(3) On page 2, line 6 should be revised to “Standards Applicable to all Transit-Oriented/Activity Center Base Zones” in order to mirror the language in the Zoning Ordinance.

The Town of Riverdale Park submitted a December 29, 2022, letter to Council Chair Dernoga in support of CB-18-2023.

Angie Rodgers, Deputy Chief Administrative Officer for Economic Development, addressed the Committee explaining the County Executive’s position in opposition to CB-18-2023 as also expressed in the Executive’s January 6, 2023, letter to Council Chair Dernoga.

After public testimony, the Committee voted favorable on the legislation as drafted.