

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2021 Legislative Session

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**Reference No.:** CB-040-2021

**Draft No.:** 2

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 06/17/2021

**Action:** FAV(A)

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### REPORT:

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

The Committee of the Whole convened on June 17, 2021 to consider CB-40-2021. The Planning, Housing, and Economic Development (PHED) Committee Director summarized the purpose of the bill and informed the Committee of written referral comments received. Draft-1 of the bill amends the Zoning Ordinance land use and development requirements for Health Campus uses in the R-80 (One-Family Detached Residential) Zone subject to certain specified requirements.

Council Member Glaros, the bill's sponsor, informed the Committee that CB-40-2021 is intended to facilitate the development of a new inpatient and ambulatory behavioral health facility at Doctors Community Hospital located in her district. This facility will provide greater access to services for those struggling with mental health issues and substance use disorders. Council Member Glaros also suggested an amendment to the effective date clause on page 3 to provide that CB-40-2021 take effect on the date of its adoption.

The Planning Board was scheduled to review CB-40-2021 on June 17, 2021. The Planning Department staff submitted their analysis and recommendation in support of the legislation with amendments as follows:

“The bill amends the Residential Table of Uses under the One-Family Detached Residential (R-80) Zone to add a new footnote under the “Health Campus” use. Footnote 143 permits a “Health Campus” by right without the requirement of a Special Exception (SE) or an amendment to an existing SE if the property and its contiguous boundaries have one or more approved Special Exceptions which included all the uses listed under Section 27-362(a) (3); the property has a minimum of twenty-five (25) acres; the original SE was approved before January 1, 1982, and the health campus includes buildings that cumulatively total at least 10,000 gross square feet.

This legislation will only impact Doctors Community Hospital located at 8118 Good Luck Road Lanham, MD 20706 and abutting properties. Planning Department staff would like to offer a few amendments for consideration. Footnote 143 should be revised. As drafted the footnote is unclear and confusing. Section 27-362 (a) (3) is mentioned twice in the footnote.

It is not clear if the intent is to exempt new uses within existing buildings or to permit an expansion of existing buildings on the health campus property, which has a prior approved SE, and expansion to abutting properties which may not have an approved SE.

Staff recommends the following language to clarify the intent of the footnote.

- Add the words “an amendment to or expansion of” in front of the words “a health campus”. The deletion of this language ensures the footnote covers amendments to the existing SE and expansions of the health campus.
- Next use brackets to delete the phrase “, which shall include any use set forth in Section 27-362(a)(3)” behind the phrase “all uses set forth in Section 27-362(a)(3)”. This language is not needed; it is redundant.
- Behind the word “including” add the words “expansion to” and add the words “in the R-80 Zone” in front of the words “that is contiguous to the property boundaries”. This language ensures that the exemption within the footnote only applies to R-80 zoned properties and not abutting or contiguous properties that may not be zoned R-80.

The language would read as follows: Notwithstanding any other provision of this Subtitle or County Code, an amendment to or expansion of a health campus on property that is the subject of one or more previously approved special exceptions for a health campus, including all uses set forth in Section 27-362(a)(3) [, which shall include any use set forth in Section 27-362(a)(3)] (including parking and loading needs of employees and residents of, and visitors and delivery services to, the site), and including expansion to any other property in the R-80 Zone that is contiguous to the property boundaries of said previously approved health campus use, shall be permitted by right and does not require special exception approval or an amendment to the previously approved special exception for the health campus, provided:...”

The Zoning Hearing Examiner (ZHE) reviewed CB-40-2021 and offered the following comments in a June 15, 2021 memorandum to the PHED Committee Director:

“I believe the intent of this bill is to allow the site of an existing/prior health campus to be permitted in the R-80 Zone by right, and to be amended without the need for a Special Exception or any other site plan approval. As drafted, it raises concern.

Footnote 143 doesn’t clearly address what the impact of the bill will be. It simply notes that despite currently being a use subject to SE approval, it will now be a use permitted by right “[n]otwithstanding any other provision of this Subtitle or County Code” and provided the use maintains a minimum size and includes buildings of a minimum GFA. This language could be interpreted to allow anything to be developed on the existing health campus and would arguably obviate the need to meet any setbacks, landscaping, tree preservation, etc., requirements found elsewhere in the County Code. Given the fact that the original use required a finding that it not adversely impact the community, and allowed community input at a public hearing, such an interpretation might be problematic.

If this is not the intent of the bill I would suggest that Footnote 143 be revised to delete the language in the body thereof on p. 2 starting with “including all uses set forth in Section 27-362(a)(3) “ and ending with (including parking and loading needs ... and delivery services” and insert similar language as a new (2) on page 3 stating “All uses provided on site shall satisfy the provisions set forth in Section 27-362 (a) (3)(including parking and loading needs of employees and residents of, and visitors and delivery services to, the site).” This would better allay the fear that uses other than those currently found in health campuses (or those that meet the criteria of an accessory use) will be added without benefit of any review. (If there are additional uses that the sponsor(s) would like to be added to those in 27-362 (a)(3) they could be inserted in the bill.)

The next concern is the intent of the portion of the footnote that states “and including any other property that is contiguous to the property boundaries of said previously approved health campus use.” If the minimum size must be 25 acres or more and any land touching the campus can be added without any further review the health campus could, in theory, become quite large. Without knowing more about the genesis of the bill, I would suggest that a maximum acreage be inserted in the bill, and/or some type of site plan review should be included.

Finally, it is unclear whether subparagraphs (2) and (3) are required of the existing/prior health campus on the site or requirements of the use that might be ultimately developed. This should also be clarified.”

During discussion, the Zoning Hearing Examiner suggested clarifying language in the footnote 143 to address her initial comments as follows:

After “Notwithstanding any other provision of this Subtitle or Code, an amendment to or expansion of a health campus on property that is the subject of one or more previously approved special exceptions for a health campus”, insert to include uses set forth in Section 27-362 (a) (3).

Matthew Tedesco, representing Luminis Health, Luke Klock, Director of Capital Projects for Luminis Health and Davion Percy, Percy Public Affairs, LLC testified in support of CB-40-2021 as part of the ongoing partnership between the County and Doctors Community Hospital. Mr. Klock also provided an update on the timeline of construction for the project.

Terry Bell, County Executive’s Liaison to the County Council, indicated that the County Executive is in support of the legislation. During discussion, Rana Hightower, Planning Department Intergovernmental Affairs, informed the Committee that the Planning Board voted during their June 17, 2021 meeting to support the legislation with amendments in accordance with the Planning staff’s recommendation.

On a motion by Council Member Glaros and second by Council Member Turner, the Committee voted favorable, 10-0, on the legislation as amended in accordance with the Planning Board and ZHE recommendations as well as the change to the effective date clause suggested by Council Member Glaros.