

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 7/18/2006  
**Reference No.:** CB-037-2006  
**Draft No.:** 2  
**Proposer(s):** Knotts  
**Sponsor(s):** Knotts, Peters, Dean  
**Item Title:** An Ordinance allowing rezoning to the R-T Zone, under certain circumstances, and making changes to the R-T Zone regulations.

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**Drafter:** Jackie Brown, Director, PZED Committee  
**Resource Personnel:** Betty Horton-Hodge, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	5/30/2006	<b>Executive Action:</b>	
<b>Committee Referral:</b>	5/30/2006 - PZED	<b>Effective Date:</b>	9/5/2006
<b>Committee Action:</b>	6/8/2006 - HELD 6/15/2006 - NR(A)		
<b>Date Introduced:</b>	6/20/2006		
<b>Public Hearing:</b>	7/18/2006 - 10:30 AM		
<b>Council Action (1)</b>	7/18/2006 - ENACTED		
<b>Council Votes:</b>	MB:A, WC:A, SHD:A, TD:A, CE:-, DCH:-, TH:A, TK:-, DP:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-107.01, 27-143, 27-223, 27-433, 27-441, 27-442

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### COMMITTEE REPORTS:

#### PLANNING, ZONING AND ECONOMIC DEVELOPMENT

**Date 6/15/2006**

No recommendation, with amendments, 4-0-1 (In favor: Council Members Dean, Bland, Exum, and Peters. Abstain: Council Member Dernoga)

Staff presented a Proposed Draft-2 (DR-2) prepared at the request of the committee to address issues that were raised during the June 8 meeting. On page 2, a definition of "Townhouse, Transit Village" was added to clarify the dwelling type that is permitted in the R-T zone. The provision allowing certain design standards/criteria to be reviewed at Detailed Site Plan was deleted. Removal of this provision requires the development of Transit Village townhouse unit to comply with existing criteria in Section 27-433. The concern raised by the Planning Board regarding the reduction in minimum street width is addressed on page 3 with additional language in Section 27-433(e) (1) (B) ensuring "a safe, efficient, hierarchical street system." The provision allowing variations from the Landscape Manual for building setbacks from private and public streets was removed in Proposed DR-2. The style change to Footnote 83 suggested by the Principal Counsel was made in the new draft, and clarification was provided on page 11, footnote 2, regarding the total yard reduction that is allowed for a Transit Village townhouse.

Council Member Bland inquired about the bill's applicability to certain Transit Villages, as designated by a Master Plan, and not others. Council Chairman Dernoga expressed concern regarding the lack of specificity in the Townhouse, Transit Village definition since it does not provide any locational requirements for proximity to some type of transit facility such as a mass transit station. Mr. Dernoga indicated that Proposed DR-2 does not go far enough in providing criteria or standards for the proposed use.

Michael Nagy, of Rifkin, Livingston, Levitan & Silver, LLC, spoke in support of CB-37-2006. Kelly Canavan addressed the committee seeking clarification of certain provisions in this legislation.

## **PLANNING, ZONING AND ECONOMIC DEVELOPMENT**

**Date 6/8/2006**

Held in committee.

Staff gave an overview of the legislation and summarized written referral comments that were received. The bill amends the R-T Zone regulations to allow R-T zoning approval where a Master Plan recommends a "Transit Village," and to establish detailed site plan requirements.

Betty Horton-Hodge, Legislative Aide to Council Member Knotts, addressed the committee on behalf of the Council Member, requesting the committee's support of this bill to facilitate the development of property located within the Transit Village as designated in the recently approved Henson Creek-South Potomac Master Plan.

The Principal Counsel provided the following written summary of CB-36-2006 and noted one small style suggestion in the footnote on page 6, Draft-1. A Transit Village, in Master Plan parlance, is a mixed-use activity center shown on a plan map that has nearness and a relationship, existing or proposed, to present or planned future mass transit facilities. The apparent purpose of the bill is to permit higher-density single-family residential development near transit stations, so that they may readily serve more County residents.

In a Transit Village townhouse project in the R-T Zone, the Planning Board (or District Council) will be able to review a detailed site plan, as to the number of dwelling units per building (or "stick"), the proportionate number of building groups (sticks) allowed to have more than six units per group, and the width of end units. The DSP may also show setback variations that do not follow Landscape Manual guidelines. These determinations are apparently to be made with reference to accepted architectural, building, and development design principles and guidelines; a Planning Board or Council decision to deviate from accepted principles would be deemed arbitrary.

The Principal Counsel noted that in the footnote on page 6, it would seem better to reverse the order of the (A) and (B) paragraphs and make (C) a separate sentence, all without introductory letters:

83/ The property must have net lot area of at least six acres and be designated as a mixed-use activity center "Transit Village" in the applicable Area Master Plan. A townhouse dwelling unit may be occupied as an artist's residential studio, or "live-work unit," if and only if a unit owner or a full-time employee of the owner (and artist) resides there and at least 40% of the unit's gross floor area is devoted to residential use.

The Legislative Officer reviewed CB-36-2006 (Draft-1) and determined that it is in proper legislative form. In his memorandum dated June 5, 2006 to the PZED Committee Director, he commented that in Section 27-433, the proposed amendments do not provide any criteria for judgment or evaluation. Without criteria, the applicant has no information concerning the limits of acceptability; the reviewing authorities have no standards to use in reviewing the application; the public has no standard to use in providing comments; and reviewing authorities have no standard to measure approval (or disapproval) of the site plan for compliance with the Zoning Ordinance. The Legislative Officer recommends that criteria be added to the proposed regulations to provide all parties with the limits of the authority delegated. An example of such limits is found in the immediately preceding provisions of (d) (2). (See page 3, lines 1 through 9.)

The Planning Board considered this legislation during its June 1, 2006 meeting and took a position of no recommendation. The Planning Board staff recommends that the bill include language which seeks input from the

Department of Public Works and Transportation and other public agencies concerning the adequacy and safety issues of narrower streets. The staff believes that this legislation to change the R-T zone requirement to achieve an urban character in the Henson Creek Transit Village can also be used in other centers and nodes where compact mixed-use development is desired. Additionally, staff suggested that the bill be amended to define a “mixed-use activity center or area,” and that the word “center” should be replaced with the word “area” in lines 11 and 22, page 2, to be consistent throughout the bill.

Adrion Howell, representing the County Executive’s Office, indicated that the Executive takes no position on this bill. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-37-2006.

Mr. Richard Krueger, Chairman of the Broad Creek Advisory Committee, spoke in support of this legislation.

Council Chairman Dernoga expressed concern regarding a property’s classification as a Transit Village, what criteria give it this designation, and suggested the need for a definition. Mr. Dernoga also indicated that the legislation lacks criteria or clarity on the types of variations from the Landscape Manual that may be requested.

The Principal Counsel explained that the discussion of a “Transit Village” in the Henson Creek-South Potomac Master Plan is sufficient to describe what is meant by this term, and that subsequent Area Master Plans containing this designation should provide a discussion for what is meant in those instances.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation amends the Zoning Ordinance to allow rezonings to the R-T Zone, under certain circumstances, and makes changes to the R-T Zone regulations for certain townhouses located in a Transit Village.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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