

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2019 Legislative Session

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**Reference No.:** CB-017-2019

**Draft No.:** 2

**Committee:** PLANNING, HOUSING, AND ECONOMIC DEVELOPMENT

**Date:** 06/20/2019

**Action:** FAV (A)

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### REPORT:

Committee Vote: Favorable as amended, 3-2 (In favor: Council Members Davis, Hawkins, and Ivey. Oppose: Council Members Glaros and Dernoga)

The Planning, Housing, and Economic Development Committee Director summarized the purpose of the legislation and informed the committee as to comments received on referral. This legislation amends the County Zoning Ordinance to permit townhouse and one-family detached dwellings in the R-A (Residential Agricultural) Zone under certain circumstances as provided in a new footnote to the residential table of uses. The County Council's Zoning and Legislative Counsel summarized revisions in a Proposed Draft-2 (DR-2) prepared at the bill sponsor's request to address comments received on referral.

Council Member Davis, the bill sponsor, informed the Committee that CB-17-2019 is intended to facilitate an idea for a development opportunity on property in his district where growth in the surrounding area of a small airport has occurred. Mr. Davis commented that as a participant on the Small Airports Advisory Committee several years ago, he was made aware of new opportunities for properties where small airports have existed. Mr. Davis also noted the purpose of the Proposed DR-2 to address initial comments and concerns, however, he welcomed testimony, additional comments and revisions as necessary to ensure that he is on the correct path with the legislation.

The Planning Board opposed CB-17-2019 (Draft-1) and provided the following comments and suggestions for consideration by the District Council in a May 2, 2019 letter to Council Chair Turner. "The Planning Board believes this bill was drafted for a specific property. There are approximately two hundred sixty-two (262) properties that meet the criteria of (a)(i)(ii), and (iv) of the footnote. The Planning Board has been unable to identify all properties meeting the criteria of (a)(iii) because the Department does not have records which list land 'formerly used as an airport.' The Planning Board believes there are four (4) operating airports in the County currently. One (1) operating airport, Freeway Airport, contains land zoned R-A and would meet the criteria of CB-17-2019 if the airport ceased to operate.

The purposes of the R-A Zone are to provide large lot one-family detached dwellings, while encouraging the retention of agriculture as a primary land use; and to encourage the preservation

of trees and open spaces. Permitting townhouses in this zone is not appropriate.

If the District Council intends to enact this bill the language under footnote 134(b) should be deleted and replaced with new language. The current language is not clear and does not seem to include compliance with the Landscape Manual, signage, and the Parking and Loading Standards. In addition, the R-T Zone regulation language contradicts the language establishing all regulations on the DSP. The revised language would read: ‘A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning the net lot area, lot coverage and green area, lot/width frontage, yards, building height, density, accessory buildings, private streets, and minimum area for development of the R-A Zone shall not apply, but all R-T Zone development regulations shall apply and be shown on the approved Detailed Site Plan.’”

The Office of Law reviewed CB-17-2019 (Draft-1) and commented that the bill may be subject to challenge as it appears to be drafted for a specific parcel. Dinora Hernandez, Associate County Attorney, was present and informed the Committee that she was not authorized to speak on Proposed DR-2.

The following individuals testified on the legislation: Joe Meinert, representing the City of Bowie, Kathleen Beres, Miller Einsel, Kevin Doby, Milly Hall, Tom Graham, Cheryl Landis, Kim Rodenhauer, Reverend Nurney Mason, Robert Antonetti, Jr., Derek Wilson, and Eric Afoakwah. Dr. Afoakwah also submitted a letter dated June 19, 2019 in opposition to proposed Zoning Text Amendment CB-17-2019.

The City of Bowie submitted a letter dated June 11, 2019 recommending the Committee’s unfavorable vote on CB-17-2019. The Prince George’s Sierra Club submitted a letter dated June 20, 2019 urging the Committee to disapprove CB-17-2019. Stan Rodenhauer submitted a letter dated June 19, 2019 indicating his family’s support of CB-17-2019. Mr. Rodenhauer’s letter was read by his daughter, Kim Rodenhauer, during her testimony. During Mr. Antonetti’s testimony, he submitted several letters indicating “Support for the ‘Concept’ of closing Freeway Airport Permanently and Redeveloping the Property for Upscale Residential Use”.

Prior to the committee worksession, electronic email communication in opposition to development of Freeway Airport was received from Matt and Amber Straughn, Steven Hemstreet, Sheri Lynne Hoffman, and Fiona Moodie. All written correspondence received prior to and during the committee worksession has been included in the CB-17-2019 legislative bill file.

As summarized by the Council’s Zoning and Legislative Counsel, the revisions to address referral comments were included in footnote 134 of Proposed DR-2 as follows:

**134** Notwithstanding any other provision of this Part, townhouses and one-family detached dwellings are ALSO a permitted use and may be developed pursuant to the ~~density and net lot area~~ FOLLOWING requirements of the R-T Zone, provided:

- (a) The use is located on an assemblage of land that:
  - (i) is no more than one hundred ~~forty (140)~~ FIFTY (150) acres in size;
  - i. is located within one (1) mile of a municipal boundary;
  - ii. ~~all or a portion of the land was formerly used as an airport~~ is WITHIN 2,500 FEET OF LAND USED FOR PURPOSES OF ELECTRICAL GENERATION, TRANSMISSION,

- AND DISTRIBUTION IN CONNECTION WITH PROVIDING PUBLIC UTILITY SERVICE IN THE COUNTY BY A REGULATED PUBLIC UTILITY; and
- iii. has frontage on a public right-of-way classified as ~~an arterial~~ A FREEWAY or higher in the Master Plan of Transportation and is maintained by the State Highway Administration.
- (b) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning the net lot area, lot coverage and green area, lot/width frontage, yards, building height, density, accessory buildings, private streets, minimum area for development, and other requirements of the R-A Zone shall not apply. REGULATIONS PERTAINING TO LOT COVERAGE; LOT/WIDTH FRONTAGE; AND BUILDING HEIGHT SHALL BE ESTABLISHED BY, AND SHOWN ON, AN APPROVED DETAILED SITE PLAN. ~~All other R-T~~ R-T ZONE development requirements SET FORTH IN SECTIONS 27-433(D)—(K) AND SECTIONS 27-442 (B), (E), (G), (H), AND (I) shall be established by and BE shown on the approved Detailed Site Plan.

Following testimony on the legislation, considerable discussion on the proposed revisions, additional comments from the Planning Board staff and the Zoning Hearing Examiner concerning the bill's applicability to R-A zoned properties as well as recommendations that certain R-T Zone regulations apply to the development of townhouses in the R-A Zone, the Committee voted favorable on CB-17-2019 with additional amendments and a revised footnote 134 to be incorporated in Draft-2 reflecting the Committee's action as follows:

- 134** Notwithstanding any other provision of this Part, townhouses and one-family detached dwellings are a permitted use, provided:
- (a) The use is located on an assemblage of land that:
- (i) is no less than one hundred (100) acres and no more than one hundred fifty (150) acres in size;
  - (ii) is located within one (1) mile of a municipal boundary;
  - (iii) is within 2,500 feet of land used for purposes of electrical generation, transmission, and distribution in connection with providing public utility service in the County by a regulated public utility; and
  - (iv) has frontage on a public right-of-way classified as a freeway or higher in the Master Plan of Transportation and is maintained by the State Highway Administration.
- (b) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning the net lot area, lot coverage and green area, lot/width frontage, yards, building height, density, accessory buildings, private streets, minimum area for development, and other requirements of the R-A Zone shall not apply. R-T Zone regulations set forth in Sections 27-433(c)–(k) and 27-442 shall apply, except for those pertaining to lot coverage, lot/width frontage, and building height, which shall be established by and shown on the Detailed Site Plan.

In response to Council Member Davis's question regarding a further tweaking amendment which may be necessary after introduction and/or public hearing to address the exact distance provided in footnote 123(a)(iii), the Council's Zoning and Legislative Counsel indicated that reducing the distance potentially from 2,500 feet to 2,000 feet limits the bill's applicability and would therefore be deemed a non-substantive amendment.