

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2023 Legislative Session

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**Reference No.:** CB-045-2023

**Draft No.:** 2

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 5/16/2023

**Action:** FAV(A)

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### REPORT:

Committee Vote: Favorable as amended, 9-0 (In favor: Council Members Dernoga, Blegay, Burroughs, Franklin, Harrison, Ivey, Oriadha, Olson and Watson)

The County Council convened as the Committee of the Whole (COW) on April 25, 2023, and May 16, 2023, to consider CB-45-2023. The Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of comments received on referral. CB-45-2023 amends the Zoning Ordinance to provide for alternate development regulations to govern development at targeted development and redevelopment areas in the County, subject to location requirements within specified Transit Center areas.

Chad Williams, representing the Planning Board, summarized the Board's position in support of the legislation with amendments as explained in an April 7, 2023, letter to Council Chair Dernoga as follows:

“The Planning Board supports the foundation underlying CB-45-2023 – namely, supporting the ability of the Redevelopment Authority to gain access to additional development flexibility for projects that contribute to its mission and primary purpose – there are several concerns with CB-45-2023 as drafted.

While the Planning Board supports the intent of CB-45-2023 and believes the Redevelopment Authority should indeed have additional flexibility in certain circumstances, especially given their proven track record of success in achieving their mission and primary purpose, CB-45-2023 should include language explaining the public purpose that will be achieved by this proposed legislative amendment. Such language helps to inform the public and memorializes the legislative intent.

Rather than limit the proposed expanded development flexibility of projects to the Addison Road Metro Local Transit Center, the Planning Board believes the Council may wish to consider expanding CB-45-2023 to encompass additional locations along the Blue Line Corridor/Central Avenue.

Given the County's prioritization of the revitalization and redevelopment of the Blue Line Corridor and other ongoing legislative zoning amendments intended to set the stage for its

success, there is significant logic in expanding CB-45-2023 to reflect the same geographic area as covered by CB-39-2023.

A far more important concern is that the Planning Board understands that the uses of the LTO-C Zone are desired for projects potentially subject to CB-45-2023, not just the regulations of the zone. If it is the intent of the Council to allow certain Redevelopment Authority projects the ability to access the uses permitted in the LTO-C Zone, the term “uses” must be explicitly incorporated in the bill. The term “regulations” is not sufficiently encompassing to cover uses and Planning Department staff wish to avoid future interpretation challenges.

The Planning Board recommends proposed Section 27-1408 be reworded for clarity as reflected in a proposed DR-2 of CB-45-2023.

The term “development proposal” is undefined. For technical purposes and to ensure consistency within the new Zoning Ordinance, the term “development application,” which is a defined term, should be used instead.

As drafted the proposed redevelopment of the former Linden Hills Elementary School is the only proposal that could qualify.”

Sakinda Skinner, County Council Liaison, stated that the County Executive supports DR-1 and the Proposed DR-2 offered by the Planning Board. Dinora Hernandez, Associate County Attorney, informed the Committee that the bill is in proper legislative form with no legal impediments to its enactment and it is a policy decision of the Council to include additional locations in the scope of the bill.

Council Member Oriadha, the bill’s sponsor, expressed concern with expanding the bill’s applicability along the Blue Line Corridor/Central Avenue given the impact on other Council Districts. Ms. Oriadha requested that the bill be held to allow time for discussion with her colleagues whose districts would be impacted.

On a motion by Council Member Oriadha, seconded by Council Vice-Chair Blegay, the Committee voted to hold the bill.

At the May 16, 2023, meeting, the PHED Committee Director summarized the April 25, 2023, meeting discussion concerning Planning Board recommended amendments to expand the bill’s applicability. Council Member Oriadha commented on her conversations with her colleagues whose districts would be impacted, and they agreed to move forward with Draft-1 of the legislation but would be open to any technical amendments.

Ms. Skinner indicated that the County Executive remains in support of Draft-1.

Council Member Oriadha made a motion to move favorably on DR-1, seconded by Council Member Burroughs. Council Member Franklin offered a friendly amendment suggested by the Planning Board to insert the term “uses” on page 2, line 7 to read “pursuant to the uses and regulations of the LTO-C Zone”. Council Chairman Dernoga noted the Planning Board’s recommended amendment to change “development project” to “development application” on page 2, line 4. Council Member Franklin included this change in his friendly amendment which was seconded by Council Chair Dernoga. The motion for friendly amendments passed 9-0.

Council Member Oriadha's main motion for favorable recommendation as amended also passed 9-0.