

PRINCE GEORGE'S COUNTY COUNCIL
COMMITTEE REPORT
2021 Legislative Session

Reference No.: CB-001-2021

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 02/09/2021

Action: FAV(A)

REPORT:

Committee Vote: Favorable as amended, 11-0 (In favor: Council Members Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras, and Turner)

The Committee of the Whole convened on February 4, 2021 and February 9, 2021 to consider CB-1-2021. The bill amends the Zoning Ordinance to define a new use, Qualified Data Center, in the Zoning Ordinance and permit the use in the R-R, C-O, C-S-C, M-A-C, E-I-A, M-X-T, and Industrial Zones under certain circumstances.

Council Member Davis, the bill's sponsor, provided a statement that this legislation received its origin last year from State legislation to pursue tax credits for qualified data centers. Mr. Davis commented on this local zoning law to now define the use in the Zoning Ordinance and permit it in certain zones as qualified data centers have been found to be a boon in the commercial tax base for other jurisdictions. Ms. Angie Rodgers, Deputy Chief Administrative Officer for Economic Development, speaking on behalf of the County Executive's Administration; David Iannucci, President and CEO of the Prince George's Economic Development Corporation; and Melinda Bolling, Director of the Department of Permitting, Inspections and Enforcement (DPIE) addressed the Committee in support of the legislation to grow data centers in Prince George's County and make the County more competitive in attracting this use.

On February 4, 2021, the Planning, Housing, and Economic Development Committee Director summarized written referral comments received. The Office of Law reviewed CB-1-2021 and found it to be in proper legislative form with no legal impediments to its enactment. The Planning Board supported CB-1-2021 with amendments as recommended in a revised version of the bill and submitted a January 14, 2021 letter to Council Chair Hawkins summarizing the Planning staff analysis and position on the legislation.

The Committee reviewed a Proposed Draft-2 (DR-2) on February 4, 2021 containing amendments requested by the bill sponsor to include, but not limited to, Planning Board suggested amendments. The amendments in Proposed DR-2 included the following:

1. Revision to the definition in Section 27-107.01
2. Moved the Regulations to the appropriate new sections in each respective division for the category of zone (e.g., Residential, Commercial, Industrial, etc.)
3. Corrected the reference to State law in the definition
4. Retained the use as permitted in the R-R Zone
5. Added a 4,000 foot setback from Regional Parks
6. Added a 300 foot setback from the use and any residential use
7. Added the I-1 Regulations provision for each category of zones, with the specific reference to only green area and building height for R-R
8. Specified that the Landscape Manual provisions apply (throughout each zone category)
9. Removed superfluous references to other zone categories as appropriate in the regulations section
10. Added ingress/egress language for traffic/pedestrian safety supplied by Planning Board

The following individuals testified on the legislation during the February 4, 2021 Committee meeting: Milly Hall, Beverly Simmons, Michael Bridges, Carol Boyer, and Andre Gingles.

Based on testimony received and concerns raised by Council Members regarding notice to the public of a qualified data center building permit application in the R-R Zone as well as standards for the use for review by DPIE, the bill was held in Committee to allow time for Council staff to prepare additional appropriate amendments.

During the February 9, 2021 Committee of the Whole meeting, the Zoning and Legislative Counsel summarized revisions in a Proposed DR-2A to include informational mailing requirements as a new subsection (10) in Section 27-445.20(e) and a new uncodified provision as Section 3 concerning a Design Manual to be submitted by DPIE, and approved by Council Resolution, for development of qualified data centers in the R-R Zone.

Council Member Davis commented on additional language in the informational mailing section suggested by Council Member Franklin to be included in Draft-2A, Section 27-445.20(e)(10), as provided below:

The informational mailing shall at least include the permit application number; a description of the property and its location; the nature of the applicant's request; the applicant's telephone number, mailing address, and e-mail address and a statement from the applicant inviting comment about the application; and DPIE's telephone number, mailing address, and e-mail address, to obtain more information and/or submit public comment about the application after it is filed.

Council Member Turner informed the Committee of his research into also permitting qualified data centers in the R-S (Residential Suburban) Comprehensive Design Zone which may lead to an additional amendment prior to introduction of the legislation.

The following individuals testified on the legislation during the February 9, 2021 Committee meeting: Milly Hall, Beverly Simmons, Michael Bridges, Carol Boyer, Tamara Davis Brown, and Andre Gingles.

Council Member Davis made a motion for favorable recommendation on Proposed DR-2A, as amended, seconded by Council Member Franklin. The Committee voted for a favorable recommendation, 11-0, as to CB-1-2021, as amended.