

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2017 Legislative Session

Reference No.: CB-122-2017

Draft No.: 1

Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date: 10/18/2017

Action: FAV (A)

Committee Vote: Favorable with recommended amendments, 3-0 (In favor: Council Members Harrison, Franklin and Patterson)

The Committee Director gave an overview of the legislation and informed the Committee of written referral comments received. Council Member Franklin, the bill's sponsor, informed the Committee that CB-122-2017 is intended to address a unique set of circumstances and facilitate the development of a mix of uses on split-zoned property in his district.

The Planning Board opposed the legislation and provided comments and suggested amendments in an October 5, 2017 letter to Council Chairman Davis as follows: Footnotes 119 and 66, letter (A) Could create many unintended consequences for other properties. For example, numerous properties in the R-R or C-S-C Zones may be adjacent to land in those zones because the term "adjacent" has a broad meaning in the Zoning Ordinance; (B) should be clarified. The Planning Board is also unclear what is meant by the words "the subject of an approved development application for a gas station." Does this mean an application is approved but unbuilt? Does this phrase constitute all built gas stations? (C) The language appears to waive all requirements and regulations for the R-R and the C-S-C Zones. It establishes development standards at the time of Detailed Site Plan (DSP) review and requires the DSP to conform with M-X-T Zone regulations. This process defeats the entire purpose of zoning and denies the District Council and/or the Planning board the ability to apply any objective standards to the development and should be deleted. The last sentence regarding architectural review to ensure the highest quality design and construction materials should be amended. It is not clear what criteria will be used for architectural review to ensure compatibility with approved development on the abutting property. The Planning Board recommends architectural standards be established to serve as the basis of review, such as exterior finish materials, window fenestration or end walls.

The Office of Law reviewed CB-122-2017 and offered comments indicating that the bill may be subject to challenge as it appears to be drafted for a specific parcel and is treating properties differently by not subjecting properties to the requirements of the respective zone. Also, on page 3, change (7) to (6) to accurately label the Residential/Lodging section.

The Chief Zoning Hearing Examiner (ZHE) also provided written comments in an October 16, 2017 memorandum to the Committee Director. The ZHE suggested an amendment to Footnote 119 (C) to make it clear that dimensional requirements will be shown on the Detailed Site Plan and approved by the appropriate body. The revision also ensures that the development include

the adjacent R-R property. There is generally no commercial development allowed in the R-R Zone so it is unclear as to why the Detailed Site Plan for property in that zone would have commercial development. On page 3, Footnote 66 should be revised in a similar manner, but the last sentence can include reference to commercial development since such development is allowed in the C-S-C Zone.

Dan Lynch, representing PMC, testified in support of the legislation.

The Committee voted favorably on the legislation including recommended amendments to Footnotes 66 and 119 in as suggested by the ZHE and Planning Board as well as the change on page 3 recommended by the Office of Law. In addition, the bill sponsor requested that Section 2. on page 4 be amended to provide that the legislation become effective on the date of its adoption. Since the legislation was introduced prior to Committee discussion, the revised language for the footnotes will be provided in the form of an amendment sheet on the date of the public hearing on the legislation.