

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2018 Legislative Session

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**Reference No.:** CB-57-2018

**Draft No.:** 2

**Committee:** PLANNING, ZONING & ECONOMIC DEVELOPMENT

**Date:** 9/12/2018

**Action:** FAV(A)

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### REPORT:

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Harrison, Franklin, Glaros, and Patterson)

Council Committee staff summarized amendments in a Proposed Draft-2 (DR-2). Council Chair Glaros, the bill sponsor, familiarized the Committee with her comments during the September 5 committee meeting that the zoning has not caught up with the Sector Plan recommendations, however, the new zoning under consideration with the Zoning Ordinance Rewrite will be consistent with the Plan.

Chris Hatcher, of Lerch, Early & Brewer, Chtd., addressed the Committee in support of Proposed DR-2. The Planning Department staff and the Zoning Hearing Examiner concurred with the amendments in Proposed DR-2.

The Committee voted favorable with amendments as follows:

- On pages 2 and 3, in “(G)” on the Table of Uses, strike “Area Master Plan or Sector Plan recommends mixed-use development” and insert “With ground floor commercial uses”.
- On page 3, amend footnote 126 as provided below:
  - Permitted use, provided:
  - (A) The proposed mixed-use development is located on a lot(s) or parcel(s) of less than five (5) acres in size;
  - (B) The applicable area Master Plan or Sector Plan recommends mixed use as a future land use on the lot(s) or parcel(s);
  - (CB) All commercial uses permitted in the C-S-C zone shall be permitted. The non-residential uses listed in the applicable Area Master Plan or Sector Plan shall be deemed permitted uses, provided that such uses are located on the ground floor of a multi-family vertical mixed-use building;
  - (DE) The property is located adjacent to an existing or proposed light rail Purple Line transit station;

- (E~~D~~) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
- (F~~E~~) Regulations concerning lot size, net lot area, lot coverage and green area, lot width, yards, building height, density, FAR, accessory buildings, bedroom percentages, and other regulations applicable to development in the R-18 and R-55 Zones shall not apply. Instead, the approved Detailed Site Plan shall set forth all development regulations to be followed, and shall include a review and approval of architectural elevations dimensions for the use by the Planning Board or the District Council;
- (G~~F~~) The Detailed Site Plan shall be subject to the Prince George’s County Landscape Manual; and
- (H) The Detailed Site Plan shall include a traffic impact analysis which evaluates traffic capacity at critical intersections.

### Held in committee.

9/5/2018

Council Committee staff gave an overview of the legislation and informed the Committee of written referral comments received. This legislation amends the Zoning Ordinance Residential Zone Table of Uses to permit certain mixed-use development in the R-18 and R-55 Zones under certain circumstances in a new footnote to the table.

Council Chair Glaros informed the Committee that the intent of the legislation is to allow mixed use in an area of her district within the boundaries of the East Riverdale-Beacon Heights Sector Plan where the appropriate zoning consistent with the Plan has not been put into place due to the ongoing Zoning Ordinance Rewrite process.

The Planning Board opposed CB-57-2018 with suggested amendments and submitted a letter with staff analysis detailing their position. Rana Hightower and Scott Rowe of the Planning Department were present to respond to Council Members’ questions regarding the Planning Board’s concerns. The Zoning Hearing Examiner reviewed the legislation and provided the following comments by electronic mail:

“I would first suggest that the use not be entitled “area Master Plan or Sector Plan recommends mixed-use development” on pp. 2 and 3 since that’s not a use, and zoning is generally not based on Master Plan recommendations. Perhaps it could simply be “With limited commercial uses”. I would then also recommend the following revision to FN 126 on p. 3 – revise (B) to note that “Limited commercial uses shall be permitted on the ground floor of the multifamily dwelling” since “non-residential uses” are not defined, and it would be important to minimize any adverse impact upon the residents.”

The Office of Law reviewed CB-57-2018 and determined that it is in proper legislative form with no legal impediments to its enactment.

Chris Hatcher, testified in support of the legislation indicating that the Planning Board and Zoning Hearing Examiner (ZHE) comments are helpful in further refining the bill.

The bill was held in committee to allow time for preparation of amendments to address the Planning Board and ZHE comments.