

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2019 Legislative Session

Reference No.: CB-010-2019

Draft No.: 2

Committee: PLANNING, HOUSING, AND ECONOMIC DEVELOPMENT

Date: 05/07/2019

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 4-0-1 (In favor: Council Members Glaros, Davis, Hawkins and Ivey. Abstain: Council Member 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 limited industrial uses in the M-X-T (Mixed Use Transportation) Zone under certain circumstances. The Zoning and Legislative Counsel provided historical background on prior legislation, CB-6-2007, CB-53-2016, and CB-49-2018, that also provided for these uses given the unsuitable area within Westphalia for M-X-T development. The Committee's counsel further explained that, after the 2007 comprehensive rezoning proposal was approved, the Council received additional relevant information concerning the affected land area through the 2009 *Joint Base Andrews Land Use Study* ("JLUS"). In turn, the County formed an administrative task force to evaluate the recommendations within JLUS in order to provide comprehensive recommendations to the Council for implementation. Thereafter, the County enacted a new Military Installation Overlay Zone ("MIOZ") to create and impose upon land in the County that is specifically affected by activities conducted by the Joint Base Andrews facility, within the area including this property. Thus, and in accordance with all notice and hearing processes required by law, the County approved the MIOZ. In particular, the MIOZ imposes strict noise, height, and narrowly tailored use restrictions for those identified areas determined to be most impacted by the aviation activities at Joint Base Andrews. Approval of the MIOZ supercedes the prior comprehensive plan vision for mixed use development of the property.

Council Member Davis, the bill sponsor, informed the Committee that CB-10-2019 extends the opportunity for employment generation in the Westphalia area of his district.

The Office of Law reviewed CB-10-2019 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board took no position on CB-10-2019 and commented by letter dated April 25, 2019 to the Council Chairman that the M-X-T Zone will be deleted under the new Zoning Ordinance. It is anticipated that the property would be rezoned to the Residential, Multifamily-20 (RMF-20) Zone. This new zone prohibits most industrial uses, but the property impacted by this bill will be grandfathered and the use permitted by right if it

exists on the property when the new Zoning Ordinance takes effect.

Arthur Horne, of Shipley & Horne, P.A., testified in support of the legislation.

The Chief Zoning Hearing Examiner suggested an amendment to clarify that CB-10-2019 is repealing and reenacting Section 27-547(b) of the Zoning Ordinance “with” amendments, instead of “without” amendments. The Zoning and Legislative Counsel concurred with this clarifying amendment on page 1, line 6 and on page 3, line 7.

The Committee voted favorable with the clarifying amendment.