

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2019 Legislative Session

Reference No.:	CB-019-2019
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 concerning regulations for and site plans in the M-X-T (Mixed Use Transportation) Zone for a major employment use or center identified after the adoption of the applicable Sector Plan. The Zoning and Legislative Counsel summarized amendments provided in a Proposed Draft-2 (DR-2), prepared at the sponsor's request, to address referral comments received on the bill.

Council Member Davis, the bill sponsor, informed the Committee that CB-19-2019 and CB-18-2019 (a legislative item also on the Committee's May 7, 2019 agenda) are proposals to provide a significant employment generator opportunity in the County. This is also consistent with the County's vision and policies for Economic Development in strategically located areas.

The Office of Law reviewed CB-19-2019 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board transmitted a May 2, 2019 letter to Council Chair Turner indicating a recommendation of support with the inclusion of suggested amendments, as follows:

"On page 3, lines 18 through 23, the sentences "The Planning Board or the District Council shall find that the proposed guidelines will not adversely affect the surrounding residential community. The Planning Board or the District Council shall consider noise, height of the building, setbacks from surrounding properties, street frontages and sufficiency of green area when determining the proposed development's effect on surrounding residential communities" are not regulations but instead seem to be a required finding for approval. It is not appropriate to incorporate findings in regulations; therefore, the Planning Board recommends the Council relocate (and adapt as may be necessary) this language to the required findings for the approval of Conceptual Site Plans in Section 27-276(b) of the Zoning Ordinance.

On page 4, lines 4 through 6 should be amended. Delete the words "or include a major

employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan" and replace with the words "or alternate guidelines approved pursuant to Section 27-544(t)(2)(I)." This revised language clarifies the language under this section should mirror the language under the M-X-T Zone regulations.

Next, the Planning Board believes that Sections 27-544(c)(l) and 27-548 (j) of the M-X-T Zone regulations should be added to the bill and the language under these sections should be amended. It will be challenging for design standards commensurate with and supportive of certain types of major employment use or center, such as a Merchandise Logistics Center, for example, to meet the current requirement under Section 27-544(c) the "design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan" or the requirement in Section 27-548(j) that such design standards "be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property."

The provisions of the Zoning Ordinance addressed by this bill pertain solely to property within the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment; the development concept recommended for the Westphalia Core is a vertical mixed-use, urban, transit-oriented development. This development concept, or the design guidance provided for this concept in the Sector Plan, cannot be amended through approval of a Conceptual Site Plan. While Conceptual Site Plan applications are required to be guided by [27-544(c)] and "be based on" these guidelines, there are many types of "major employment use or center" uses, such as a Merchandise Logistics Center, whose design may be incongruent with a vertical mixed-use, walkable neighborhood. The purpose of CB-19-2019 is to accommodate such uses; this is challenging without amending these provisions. The Planning Board recommends adding references to alternate development regulations pursuant to Section 27-544(1)(2)(1) to Sections 27-544(c)(l) and 27-548(j), as follows:

Section 27-544(c)(l) would read: For property not subject to the provisions of Section 27-44(1)(2)(1), the [The] design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.

Section 27-548(j) would read: As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning

study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(1)(3) of the Zoning Ordinance). Notwithstanding the above, this regulation does not apply to property subject to the provisions of Section 27-544(1)(2)(1).

This change would delete the conflicts that would exist in the Zoning Ordinance between Sections 27-544(c)(1) and 27-548(j) and Section 27-544(1)(2)(1).”

Bill Edelen of the Department of Permitting, Inspections, and Enforcement addressed the committee regarding noise and dust concerns and the provision of buffers as part of the employment center development.

Bill Shipp, representing property owner The Walton Companies, and Thomas Haller, representing contract purchaser Duke Realty, testified in support of the legislation which facilitates development of a highly technical, innovative facility.

The Committee voted favorable on the legislation with the general amendments recommended by the Planning Board, except for the recommended amendment to Section 27-546 (d)(2), and incorporated into the Proposed DR-2.