

Prince George's County Council

Agenda Item Summary

Meeting Date: 7/22/2008
Reference No.: CB-015-2008
Draft No.: 2
Proposer(s): Dean
Sponsor(s): Dean, Harrison
Item Title: An Ordinance modifying development regulations in the I-3 Zone under certain circumstances.

Drafter: Jackie Brown, PZED Committee Director
Resource Personnel: Nellvenia W. Johnson, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 4/22/2008	Executive Action:
Committee Referral: 4/22/2008 - PZED	Effective Date: 9/8/2008

Committee Action: 5/27/2008 - HELD
6/18/2008 - FAV(A)

Date Introduced: 7/1/2008
Public Hearing: 7/23/2008 - 10:00 AM

Council Action (1) 7/23/2008 - ENACTED
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:-, EO:A, IT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

27-474

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 6/18/2008

Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Exum, Dean, and Olson)

Staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-15-2008 modifies development regulations for property that is within one mile of a Washington Metropolitan Area Transit Authority (WMATA) mass transit station. The legislation modifies street and yard setback requirements for I-3 property which meets the locational criteria.

The Planning Board supports CB-15-2008 with amendments indicating that the legislation will comply with the goals and concepts of the 2002 Approved General Plan. Property near metro stations should be developed in a more compact manner and this bill would provide an opportunity to help facilitate transit oriented development. The Planning Board's comments noted that there are a total of four mass transit stations which have Planned Industrial/Employment Park (I-3) zoned property within a one mile radius of a metro transit station. Those mass transit stations are: Branch Avenue, College Park, Morgan Boulevard and Largo Town Center.

The following amendments were recommended by the Planning Board:

1. This legislation will conflict with the development regulations within the College Park Transit District Overlay Zone. There should be language included in the bill to exclude the College Park mass transit station. The Planning Board recommends that the following amendment be inserted in the bill. "All I-3 zoned property located in a Development District Overlay Zone (DDOZ) or a Transit District Overlay Zone (TDOZ) shall be exempted from this bill." This change will ensure that the bill does not affect development regulations within TDOZs or DDOZs countywide.
2. On page 2 under (b) Table 1 – Setbacks and under footnote "11," remove the word "Parkway." The use of the word "parkway" is confusing. The functional classification used for highways in master plans includes freeways and expressways; there is no "parkway" classification.
3. On page 2, footnote "11", clarify the words "land owned by the Washington Metropolitan Area Transit Authority and used as a mass transit station." A mass transit station under the above footnote does not necessarily mean a metro transit station, but could potentially include a bus or bus stop. Staff recommends modifying the phrase to read "land owned by the Washington Metropolitan Transit Authority and used as a rail transit station."
4. Under footnote "11," add the words "but not more than 20 feet from the street curb." The recommended change to footnote "11" helps to provide a sense of enclosure to the streetscape which helps to better define it and enrich the pedestrian experience.
5. Footnote "2" should be amended by removing the words "mass transit" and replacing with the words "rail transit." This change will ensure that this legislation only applies to rail transit stations.
6. The phrase "there shall be no maximum percentage of building coverage and a minimum green area of 10%" should be clarified. The Planning Board recommends amending the phrase to read: "the maximum percentage of building coverage shall be 90% and the minimum green area shall be 10%."

The Office of Law reviewed CB-15-2008 and determined that it is in proper legislative form with no legal impediments to its enactment.

Barbara Sollner-Webb submitted written correspondence to the committee members indicating that while CB-15-2008 is intended to spur development and economics, it negates a careful planning process and allows too much dense development, additionally extending too far from Metro stations. Pat Blankenship, Chair of Citizens to Conserve and Restore Indian Creek, also submitted written correspondence expressing concern regarding this legislation indicating that she can see environmental damage because of this bill.

Thomas Haller of the Law Offices of Gibbs and Haller spoke in support of the legislation and also commented on his concern with the recommendation from the Planning Board to amend footnote "11" to add the words "but not more than 20 feet from the street curb." Mr. Haller informed the committee that this provision would conflict with existing Federal requirements and may hinder the ability to attract Federal tenants.

The Committee voted favorably on CB-15-2008 with all amendments recommended by the Planning Board with the exception of the amendment to provide a maximum 20 foot setback from the street curb.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation amends the regulations table for Industrial Zones to modify the setback, yard, building coverage, and green area requirements in the I-3 Zone under certain circumstances

CODE INDEX TOPICS:

INCLUSION FILES:

