

Prince George's County Council

Agenda Item Summary

Meeting Date: 3/9/2010
Reference No.: CB-001-2010
Draft No.: 4
Proposer(s): Dean
Sponsor(s): Dean, Harrison
Item Title: An Ordinance for the purpose of establishing a new Subtitle to the County Code that specifies development review and approval procedures and design regulations to ensure and control future transit-oriented, pedestrian-friendly, mixed-use development in selected Centers and Corridor Nodes within Prince George's County, Maryland.

Drafter: Chad Williams, M-NCPPC

Resource Personnel:

LEGISLATIVE HISTORY:

Date Presented:	12/1/2009	Executive Action:	
Committee Referral:	12/1/2009 - PZED	Effective Date:	3/9/2010
Committee Action:	1/12/2010 - HELD 1/20/2010 - FAV(A)		
Date Introduced:	2/2/2010		
Public Hearing:	3/9/2010 - 10:00 AM		
Council Action (1)	3/9/2010 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:-, AH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27A-101, 27A-102, 27A-103, 27A-104, 27A-105, 27A-106, 27A-201, 27A-202, 27A-203, 27A-204, 27A-205, 27A-206, 27A-207, 27A-208, 27A-209, 27A-210, 27A-211, 27A-212, 27A-213, 27A-214, 27A-215, 27A-301, 27A-302, 27A-303, 27A-304, 27A-305, 27A-401, 27A-402, 27A-403, 27A-404, 27A-405, 27A-406, 27A-407, 27A-408, 27A-501, 27A-502, 27A-503, 27A-504, 27A-505, 27A-506, 27A-507, 27A-601, 27A-602, 27A-603, 27A-604, 27A-605, 27A-606, 27A-607, 27A-608, 27A-701, 27A-702, 27A-703, 27A-704, 27A-705, 27A-706, 27A-707, 27A-708, 27A-709, 27A-801, 27A-802, 27A-803, 27A-804

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 1/20/2010

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Dean, Knotts, Olson, and Dernoga)

Staff presented a Proposed Draft-2 (DR-2) of CB-1-2010 with additional language to address some of the concerns raised at the January 12th committee meeting.

On page 15, a new definition for "Public Utility" was added, and on page 150, Section 27A-802, a new subsection "3" was added concerning public utility uses and structures. Also, on page 19, lines 9 and 10, the words "Part 8.

Building Function” were added as well as the words “obtain Permit Site Plan approval and” on lines 10 and 11. In Section 27A-604(c) (3) (A), on page 130, “eighteen (18)” was changed to “six (6)” to address Maryland-National Capital Building Industry comments.

Chad Williams, M-NCPPC Community Planning Division, addressed outstanding issues which were raised by Council Member Dernoga on November 4, 2009 during the review of CB-52-2009. In response to Mr. Williams’ comments, Mr. Dernoga indicated that the language which was added on page 47 in Section 27A-213 (d)(3) was acceptable to address notification issues, and that LEED certification does not have to be a mandate. However, Mr. Dernoga disagreed with Mr. Williams that additional language is not necessary in the legislation to restrict commercial access through existing residential neighborhoods and that this issue can be addressed at the Regulating Plan. In addition, Mr. Dernoga requested that language be included that would allow the Regulating Plan to be re-opened to address unforeseen circumstances.

Council Member Olson inquired about the suggestion from the City of College Park and the City of Greenbelt for municipalities to be included in the review process and have representation on a review committee. Council Member Dean indicated that anyone who is a party of record or interested person should be included in the review process as well; however, they should not be allowed to make changes. Mr. Williams indicated that this is a process that would have to be developed as it does not exist in the current development review process.

Maurene Epps Webb, Chief Zoning Hearing Examiner (ZHE), provided a memorandum to the PZED Committee Director recommending additional changes, technical in nature, to CB-1-2010. Ms. Epps Webb noted that the bill includes a definition for “social services” that appears to be surplusage given the definition of “group living” and recommended that “social services” be deleted from the definition section and from the use tables to avoid confusion and possible constitutional challenges. Ms. Epps Webb also noted that the bill currently places an “A” in the use tables for uses that are permitted subject to further regulation. Some of the uses denoted with a “P” also require further regulation. See, Section 27A-802 “Day Care”, “Indoor Recreation”, “Vehicle Service”, etc. She recommends that the “A” category be deleted since it is not needed and is not in the current Zoning Ordinance, and simply use “P”. This should cause less confusion and the user will know where there are additional regulations since it’s mentioned in the column to the right of each use.

Council Member Dean requested that Park and Planning staff prepare a written response to the letters which have been received expressing concerns with CB-1-2010 that will explain how the concerns have or have not been addressed.

The committee voted favorably on the legislation, Proposed DR-2, with direction to staff to prepare additional amendments to be provided prior to introduction as follows:

- 1) Amend the definition for Social Service and revise the uses listed under this category in Part 8 to eliminate residential uses from the category (per ZHE comments)
- 2) Amend the use table to change “P” for permitted to “A” for additional regulations for four specific uses to address a referencing oversight (per ZHE comments)
- 3) Amend the procedures to incorporate notification of stakeholders (emphasis on municipalities and civic associations, ensuring equity) that staff will review Permit Site Plan submittals, intent to provide opportunity for these groups to sit in
- 4) Amend the procedures to allow the Director/other parties to reopen the Regulating Plan to deal with unintended adverse impacts as development comes online, such as noise mitigation and pollution control.
- 5) Amend the code to discourage/prohibit commercial access through residential neighborhoods

Held in committee. 1/12/2010

CB-1-2010 establishes a new Subtitle, Section 27-A, in the County Code to create four new urban center zones and specifies processes, procedures, and regulations for development at selected Centers and Corridor Nodes. Staff noted that the legislation had been reviewed by the committee as CB-52-2009 at four meetings held in

2009. Considerable changes were made to the legislation based on comments received by the committee and stakeholders during the previous committee meetings.

Chad Williams summarized changes to the legislation and provided copies of a “Guide to Major Legislative Changes” which provides details of the major changes made from the Planning Board endorsed version of the draft legislation (CB-52-2009 DR-1, May 2009) to what is now CB-1-2010.

Larry Gordon, of Shulman Rogers, representing Verizon Maryland, Inc. (“Verizon”) addressed the committee and provided a letter dated January 11, 2010 to Chairman Dean explaining his client’s concerns regarding the proposed legislation and its impact on the ability to expand existing Verizon Central Office Facility buildings located throughout Prince George’s County.

Tom Kerley, representing the Greater Washington Sign Association, addressed the committee in opposition to certain provisions of the legislation. Mr. Kerley submitted a position statement indicating “not only are some of the provisions of the bill overly restrictive but the process to obtain a permit is severely handicapped by the need to show all the signs on the detailed site plan prior to construction.” Additionally, “the provisions in the new code that requires that all signs be shown on the detailed site plan before you even know who the tenants are not only requires one to be clairvoyant but this Prior Restraint limits the businesses right to speech and unduly delays the acquisition of a sign permit and serves no legitimate purpose.”

Hamer Campbell, representing the Maryland National Capital Building Industry Association (MNCBIA) was present to provide testimony and comments on behalf of the industry. Mr. Campbell provided a letter dated January 12, 2010 to Chairman Dean with detailed comments on several key items and suggestions on how these items might be addressed.

Terri Schum, City of College Park Planning Director, addressed the committee indicating that the City had not taken a formal position on the legislation. Ms. Schum expressed the City’s initial concerns regarding the lack of municipal involvement in the process.

Bradley Heard, a resident of Capitol Heights, submitted electronic communication including a redlined markup which stated his concerns with the most recent draft of the legislation.

A letter dated January 11, 2010 from Mayor Judith Davis, City of Greenbelt, to PZED Committee Chair Dean expressed the City’s concerns with the legislation and indicated areas of suggested revisions. As stated in Mayor Davis’ letter, “the City continues to have concerns about the prescribed planning and zoning processes, specifically with regard to absence of specific reference to municipal involvement throughout the planning and zoning process, the involvement of the Zoning Hearing Examiner in the permit site plan approval process and the applicability of the Zoning Map Amendment process.”

The legislation was held in committee to allow time for staff to review the comments that were received and to suggest appropriate revisions where necessary.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The proposed legislation establishes a new Subtitle to implement policy guidance of the 2002 General Plan and subsequent Functional Area Plans, Master Plans, Sector Plans, and Transit District Development Plans for Centers and Corridor Nodes. The legislations include the creation of four new urban center zones and specifies processes, procedures, and regulations for development at selected Centers and Corridor Nodes. The new Subtitle requires the creation of functional overlays to address environmental, transportation, public facilities, development phasing, and historical and archaeological resources, and a Regulating Plan based on the functional overlays and community input that links development on the ground with specific design regulations. The Subtitle would establish an administrative procedure for form-based site plan review after a Regulating Plan has been established for an area. The legislation also provides design regulations to foster pedestrian-friendly, transit-oriented, mixed-use development within selected Centers and Corridors Nodes.

CODE INDEX TOPICS:

INCLUSION FILES:
