

Prince George's County Council

Agenda Item Summary

Meeting Date:	7/18/2006
Reference No.:	CB-021-2006
Draft No.:	2
Proposer(s):	Dernoga
Sponsor(s):	Dernoga
Item Title:	An Ordinance defining a MARC Planned Community and permitting this use in the I-1, I-2, and I-3 Zones

Drafter:	Jackie Brown, Director, PZED Committee
Resource Personnel:	Judith Thacher, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	5/2/2006	Executive Action:	
Committee Referral:	5/2/2006 - PZED	Effective Date:	9/5/2006

Committee Action:	6/8/2006 - FAV(A)
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Date Introduced:	6/20/2006
Public Hearing:	7/18/2006 - 10:30 AM

Council Action (1)	7/18/2006 - ENACTED
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TH:A, TK:-, DP:A
Pass/Fail:	P
Remarks:	

AFFECTED CODE SECTIONS:

27-107.01, 27-473, 27-475.06.05

COMMITTEE REPORTS:

PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date 6/8/2006

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Dean, Bland, Dernoga, Exum, and Peters)

Staff gave an overview of the legislation and informed the committee of referral comments that were received. CB-21-2006 defines a new land use, MARC Planned Community, and permits the use by right in the I-1, I-2, and I-3 Zones, subject to detailed standards and site plan approval. The new use is to be located on 10 or more acres, included within a single preliminary plan of subdivision, and lie adjacent to an existing mass transit rail station. It is to be developed with commercial, industrial, office, residential, retail, or similar uses that are interrelated by one or more themes.

Council Chairman Dernoga, the bill's sponsor, informed the committee that this legislation facilitates mixed-use development in the vicinity of a MARC station. Mr. Dernoga explained that plans were approved for property in the vicinity of the station for development of light industrial uses such as a business park, however, with the support of the community, the developer has modified these plans to reflect mixed-use development to compliment the MARC station as well as a planned future Metro station in this area.

The sponsor provided copies of a redlined version of the legislation with proposed amendments for the committee's review.

The Principal Counsel reviewed CB-21-2006 (Draft-1) and determined that the bill is in proper form and may be approved as drafted. He provided a memorandum dated June 8, 2006 indicating that the committee may note the following issues:

1. The definition of the MARC Planned Community use is not restrictive, and the use may be placed on any industrially-zoned property near a rail station.

(a) Though the use is referred to as a "MARC planned community, the definition refers to adjacency to an "existing mass transit rail station." That might include any Metrorail or light or heavy rail station, as long as it has (by the bill's table of uses) land zoned I-1, I-2, or I-3. The community is called "MARC" but may be near Metrorail or other rail service.

(b) The last part of the definition, which talks about the use as "planned to be developed with commercial, industrial, office, residential, retail or similar uses which are interrelated by one or more themes," is virtually meaningless. It does not limit the use in any way: the phrase can be applied to any group of land uses anywhere, in any city or county. (The definitional limitation is corrected later, in the development standards, where it is required that the development project include at least two uses in three named categories: retail, residential, and office or industrial or "research.")

(c) The limitation that the 10-acre parcel lie "adjacent to" an existing rail station is also not restrictive. Under Section 27-107.01(a) of the Zoning Ordinance, land is considered "adjacent" if it is "[n]earby"; it does not have to touch or adjoin.

2. The use will be permitted on most industrial property in the County, as long as some part of it is "adjacent to" a rail station. Adding the use may be seen as opening up widely the list of permitted uses on industrial properties.

3. A detailed site plan must be approved for the use, in accordance with Part 3, Division 9. A site plan may be approved for only part of the project site, but then the remainder of the site must be shown in a "concept and phasing plan" filed concurrently with the initial DSP.

The Office of Law also reviewed CB-21-2006 and determined that it is in proper legislative form with no legal impediments to its adoption. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-21-2006.

The Legislative Officer commented that the proposed bill provides for development of uses which are contrary to the purposes of the industrial zones. Chairman Dernoga noted that it is likely that the property will be rezoned to the appropriate category for these uses through the pending Master Plan and Sectional Map Amendment for Subregion I.

The Board of Directors of the Longwood Community Association submitted a statement in support of CB-21-2006. Thomas Haller, representing Jackson-Shaw, addressed the committee speaking in support of the legislation.

The committee voted favorably on CB-21-2006 including the amendments provided by the sponsor as follows:

· Page 2, amend the definition of "MARC Planned Community" to read as follows:

A minimum area of ten (10) acres included in a single preliminary plan of subdivision, any portion of which adjoins an existing MARC rail station site and which is planned to be developed with commercial, industrial, office, residential, retail or similar uses which are interrelated by a common architectural and design theme. A MARC Planned Community may include a former MARC rail station that has been upgraded to a Metro rail station.

- Page 4, line 14, after “in the vicinity of”, change “major intersections, major corridors or transit stops” to “mass transit rail stations”
- Page 4, line 17, after “inherent in the location of the”, change “zone” to “mass transit rail station”
- Page 4, line 24, after “To provide”, change “the maximum amount of freedom possible” to “appropriate flexibility”
- Page 5, line 11, change “furnishings” to “facilities”
- Page 5, change subsection (C) to read:

“The MARC Planned Community shall include each of the following three (3) categories of uses:

- (i) Retail;
- (ii) Office, research, or industrial;
- (iii) Residential.

- Page 5, line 25, after “on the approved Detailed Site Plan shall”, add “not be inconsistent with the area Master Plan or a Sector Plan and will”
- Page 5, lines 27-29, after “shall be situated so that”, change “a minimum of fifty (50) percent of the trip-generating uses” to “uses generating a minimum of fifty (50) percent of all trips proposed in the entire MARC Planned Community”
- Page 6, at the end of subsection (2) Site Plan, add the following: “Any future expansion of the MARC Planned Community that was not included in a concept and phasing plan filed concurrently with the first Detailed Site Plan may occur only upon the approval of a Conceptual Site Plan at the sole discretion of the District Council.”

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation amends the Zoning Ordinance to define a new use, MARC Planned Community, and permits the use in the I-1, I-2, and I-3 Zones in accordance with certain requirements.

CODE INDEX TOPICS:

INCLUSION FILES:
