

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 6/27/95

Reference No.: CR-22-1995

Proposer: D.C.

Draft No.: 1

Sponsors: Gourdine and Estep

Item Title: A resolution to approve the Zoning Map Amendment to the Subregion VII SMA for a certain parcel of land transferred by the United States of America

Drafter: Joyce B. Nichols, Principal
Counsel to District Council

Resource Personnel: Dale Hutchison
M-NCPPC

LEGISLATIVE HISTORY:

Date Presented: ___/___/___

Executive Action: ___/___/___ ___

Committee Referral:(1) 5/9/95 PZED

Effective Date: ___/___/___

Committee Action:(1) 6/5/95 FAV
(2) 6/15/95 FAV

Date Introduced: 5/9/95

Pub. Hearing Date: (1) ___/___/___ __:___

Council Action: (1) 6/27/95 Adopted

Council Votes: AMc: A, DB:A , SD:A , JE: A, IG: A, WM: A, RVR: A, AS:, A, MW: A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEVELOPMENT COM. REPORT DATE: 6/15/95

Committee Vote: Favorable, 4-0 (In favor: Council Members Gourdine, Maloney, Russell and Wilson).

Upon the advice of the Principal Counsel, the Committee reconsidered this resolution. Ms. Nichols explained that an error had been discovered in the assumptions made by the Technical Staff and the Planning Board, which had served as the basis for the Committee's favorable recommendation of the R-R Zone. Specifically, Section 27-113 of the Zoning Ordinance, which required that land under 5 acres in size be placed in the R-R Zone until the Council took action on the zoning, was amended in

1994. This amendment, which became effective on December 31, 1994, requires that upon conveyance, the land shall be placed in the Reserved Open Space (R-O-S) Zone until the Council adopts a zoning map. Therefore, the most restrictive zone under consideration is the R-O-S, and not the R-R Zone. Following discussion of the alternatives, the Committee agreed to place the property in the R-R Zone, as had been previously decided.

PLANNING, ZONING & ECONOMIC DEVELOPMENT COM. REPORT DATE: 6/5/95

Committee Vote: Favorable, 4-0 (In favor: Council Members Maloney, MacKinnon, Russell, and Wilson).

Staff explained that the Zoning Ordinance provides that land owned by State or Federal Governments shall, upon conveyance to a private party, be placed in the R-R Zone if it is less than 5 acres in size and in the O-S Zone if it is 5 acres or greater in size. The Planning Board then has six months within which to recommend to the District Council the adoption of a more appropriate zone for the property. The Council then adopts a resolution which amends the SMA for that area and rezones the property.

The property under consideration is 3.38 acres on the east side of Branch Avenue approximately 1,000 feet south of its intersection with Allentown Road. The property does not have street access. The Technical Staff and the Planning Board both recommended the retention of the R-R Zone, but in the event street access is obtained from an adjacent property owner, the Planning Board recommended the adoption of the C-S-C Zone. This access has not been obtained. A portion of this property will be used by the State Highway Administration for future interchange construction, and the price of the land will be based on the zoning adopted by the Council.

The Committee voted in accordance with the Planning Board's recommendation to place the property in the R-R Zone.

BACKGROUND INFORMATION/FISCAL IMPACT
(Includes reason for proposal, as well as any unique statutory requirements)

This resolution is necessary to comply with the requirements of the Zoning Ordinance which mandate the review and adoption of zoning for land which is conveyed to private ownership from Maryland or from the United States.

CODE INDEX TOPICS: