

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/16/2004
Reference No.: CB-069-2004
Draft No.: 2
Proposer(s): Hendershot
Sponsor(s): Hendershot
Item Title: An Ordinance modifying the acreage requirement for multifamily dwellings in the C-O Zone.

Drafter: Jackie Brown, Director, PZED Committee
Resource Personnel: Carol B. White, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	7/13/2004	Executive Action:	
Committee Referral:	7/13/2004 - PZED	Effective Date:	1/3/2005
Committee Action:	9/8/2004 - HELD 9/29/2004 - FAV(A)		
Date Introduced:	10/12/2004		
Public Hearing:	11/16/2004 - 10:00 AM		
Council Action (1)	11/16/2004 - ENACTED		
Council Votes:	MB:N, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-461

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 9/29/2004

Committee Vote: Favorable with amendments, 4-1 (In favor: Council Members Dernoga, Dean, Exum, and Harrington. Opposed: Council Member Bland)

Staff informed the committee that since the time of the last discussion on CB-69-2004, the Planning Board had reviewed the bill and took no position.

No additional information concerning this bill was provided than that which was presented on September 8.

The committee amended the bill to change 11 acres to 12 acres.

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 9/8/2004

Held in committee.

This bill proposes to amend CB-75-2003, to increase the maximum acreage for multifamily development in the C-O Zone from 8 acres to 11 acres.

The bill's sponsor explained that since the time of adoption of CB-75-2003, it was determined that a particular C-O site could be better developed with additional acreage to square off the property. The sponsor indicated that due to a surveying error, the bill should be amended to allow a maximum of 11.5 acres rather than 11 acres. It was also noted that the legislation could also apply to 14 C-O properties. Of the 14 properties, all but 2 are currently developed.

Norman Rivera, of Rifkin, Livingston, Levitan & Silver, LLC, spoke in support of the bill indicating that the additional acreage would allow for better site layout than that which could be achieved with the limitation of eight acres.

Chairman Dernoga expressed concern about application of this provision to other C-O properties and the potential conversion of office to condominiums.

Staff informed the committee that the Planning Board did not have an opportunity to review the legislation prior to the committee meeting due to the Board's August recess. Faroll Hamer, representing the Planning Board, was present to inform the committee that the Board had opposed CB-75-2003 based on their belief that it represented a site-specific rezoning; however, the Board's recommended condition to require that the property be located within a Center or Corridor as designated by the General Plan was included prior to the bill's adoption.

The Principal Counsel and the Office of Law found the bill to be in proper form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting this legislation.

A motion for a favorable report with an amendment to change 11 acres to 11.5 acres failed 2-1-1.

The bill was held in committee to allow time for Planning Board review. The sponsor requested that the bill be placed back on the committee's September 29 agenda for further consideration.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

CB-75-2003 (DR-2) was enacted to permit multifamily dwellings in the C-O Zone under certain circumstances. One of the requirements is that the property be less than eight acres in size. This legislation proposes to change 8 acres to 11 acres.

CODE INDEX TOPICS:

INCLUSION FILES:
