

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

Meeting Date: 7/25/2000**Reference No.:** CB-47-2000**Proposer:** Hendershot, Scott**Draft No.:** 2**Sponsors:** Hendershot, Scott**Item Title:** An Ordinance amending the definition and certain requirements for a Metro Planned Community

Drafter:**Resource** Jackie Brown, Director
Personnel: PZED Committee

LEGISLATIVE HISTORY:**Date Presented:** 5/9/2000**Executive Action:** __/__/____ __**Committee Referral:** 5/9/2000 PZED**Effective Date:** 9/11/2000**Committee Action:** 6/7/2000 FAV(A)**Date Introduced:** 6/27/2000**Public Hearing:** 7/25/2000 11:00 A.M.**Council Action:** 7/25/2000 ENACTED**Council Votes:** DB:A, JE:A, IG:A, TH:A, WM:N, RVR:A, AS:N, PS:N, MW:A**Pass/Fail:** P**Remarks:** _____

PLANNING, ZONING AND ECON. DEV. COMMITTEE REPORT

DATE: 6/7/2000

Committee Vote: Favorable with amendments, 2-1 (In favor: Council Members Russell and Wilson. Opposed: Council Member Maloney).

Staff presented a proposed Draft-2 of the legislation and indicated that the bill amends the definition and requirements for a Metro Planned Community, a use created by CB-35-1998, enacted by the County Council on June 9, 1998. The amendments in the new draft are primarily suggestions made by the Planning Board.

Proposed Draft-2 (DR-2) deletes the definition on page 2, lines 6 through 10 leaving only one definition of Metro Planned Community. This definition includes the following new language on line 13 that was not in the original definition contained in CB-35-1998: "and including land placed in preservation by the State of Maryland." CB-47-2000 also removes all references to "regional shopping center" and replaces the language with "high quality main street retail shopping and

entertainment complex.” Proposed DR-2 amends the new language beginning on page 7, line 10, which requires the submission of a preliminary informational Conceptual Site Plan to indicate that this plan must be submitted to the municipality(ies) with evidence of compliance with this requirement being provided to the Planning Board at the time of Conceptual Site Plan submission. CB-47-2000 deletes the requirement for a “letter of intent” from specific kinds of retailers at the time of Conceptual Site Plan submission and moves the language to another section regarding Planning Board findings. This language begins on page 10, line 18 and is amended since Draft-1 in accordance with Planning Board recommendations to state the following at the beginning of the sentence: “For approval of the Detailed Site Plan only in a Metro Planned Community.”

Staff summarized referral comments that were received concerning the legislation. The Planning Board voted to support CB-47-2000 in accordance with recommendations made by the Planning Department staff. As indicated previously, these recommendations have been incorporated as amendments in Proposed DR-2. Additionally, the report provided by the Planning Board states: “Community Planning Division staff, Development Review Division staff and the Greenbelt Metro Area Sector Plan Team have reviewed CB-47-2000 and do not find that this proposal impairs the intent of the original legislation, nor does it impair the development concepts being advocated in the Preliminary Greenbelt Metro Area Sector Plan, which is scheduled for public hearing in June, 2000.” The County Executive supports the legislation. The Prince George’s County Municipal Association also supports CB-47-2000.

The Legislative Officer and the Office of Law determined that the bill is in proper legislative form. The Office of Law also expressed concern regarding references in the legislation to particular stores and the phrase “major department store” since zoning is concerned with the type of use rather than the specific entity providing the use. Further clarification was also requested on the meaning of “high quality main street retail shopping and entertainment complex.” The Chief Zoning Hearing Examiner provided written comments by memorandum dated June 6, 2000 expressing the same concerns raised by the Office of Law. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-47-2000.

Council Member Hendershot, the bill’s sponsor, indicated that the original legislation, CB-35-1998, contained the names of stores and that the bill was enacted by a vote of 8-1. Mr. Hendershot commented that this legislation is not intended only for the development of the property located at the Greenbelt Metro site, but may be applicable to other properties surrounding Metro stations. He also explained that the modification to the acreage as a result of the 50-acre preservation requirement warranted a change in the type of retail center proposed. CB-47-2000 proposes a town center concept as opposed to the regional shopping center provided in CB-35-1998. Mr. Hendershot explained that the residents do not want a regional shopping center and this legislation provides another option than that provided by the ongoing sector plan that proposes an overlay zone concept. He explained that the overlay zone requires a more exacting review process than that required by the Metro Planned Community.

James Burton, Legislative Aide to Council Member Scott (co-sponsor of the legislation), spoke on behalf of Mrs. Scott indicating her support of the bill. Mr. Burton commented that Mrs. Scott realizes concerns raised by the City of Greenbelt, however, the Sector Planning Group does not believe that the bill impairs the intent of the Greenbelt Sector Plan.

Richard Reed and Lisa Jackson, Law Firm of Wilkes, Artis, spoke in support of the legislation. Mr. Reed commented that the proposed town center concept is consistent with the MXT zoning proposed in the Sector Plan for 250 acres around the Metro site and that the legislation adds vibrancy to the sector planning process. Ms. Jackson indicated that the proposed changes to the Metro Planned Community definition and requirements are a result of ongoing negotiations between the property owner and the State concerning acquisition and preservation of 50 acres of environmentally sensitive land.

Celia Craze, City of Greenbelt Planning and Community Development Director, addressed the Committee providing comments on the City's position on the legislation. A letter provided by Mayor Judith Davis states: "As the County Council is well aware, the Metro/Smith properties have been the subject of a two year public Sector Area planning process. The preliminary sector plan for this area has just been released and will have a public hearing date on June 19, 2000. Given the proximate timing of the consideration of the Sector Plan and the intensive public involvement in the drafting of the Plan, it makes sense to defer consideration of proposals such as CB-47 until the completion of the Sector Plan process. In this way, it can be the public planning process that governs the future development of the area, not legislation that has been drafted to facilitate a specific proposal." Mrs. Craze reiterated the City's concerns with the legislation such as no minimum specificity on the mix of uses permitted in a Metro Planned Community and the subjectivity of the language describing the types of retailers that will be difficult to implement. She requested that the Committee defer action on the legislation as indicated in the City's letter.

Kap Kapastin, Quantum Management/Beltway Plaza, spoke in support of the legislation. On a motion by Council Member Wilson, seconded by Council Member Russell, the Committee voted favorably on CB-47-2000 with the amendments contained in Proposed DR-2.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This legislation amends the definition of a Metro Planned Community, a permitted use in the I-2 and M-X-T Zones in accordance with certain requirements, to amend the amount of acreage necessary for the use, and amend certain other requirements for the use.

CODE INDEX TOPICS: