

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/23/2004
Reference No.: CB-028-2004
Draft No.: 2
Proposer(s): Bland
Sponsor(s): Bland, Harrington
Item Title: An Ordinance permitting multifamily dwellings in the C-S-C Zone under certain circumstances

Drafter: Jackie Brown, Director, PZED Committee
Resource Personnel: Linda Cruz-Packer, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	4/27/2004	Executive Action:	
Committee Referral:	4/27/2004 - PZED	Effective Date:	1/10/2005
Committee Action:	10/6/2004 - HELD 10/12/2004 - FAV(A)		
Date Introduced:	10/19/2004		
Public Hearing:	11/23/2004 - 10:00 AM		
Council Action (1)	11/23/2004 - ENACTED		
Council Votes:	MB:A, 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 10/12/2004

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Dernoga, Bland, Dean, Exum, and Harrington)

Staff presented a Proposed Draft-2 with revised language in paragraph (H) of footnote 48 to address comments received from the Planning Board and the Principal Counsel during the October 6 committee meeting.

Council Member Bland indicated that she was satisfied with the amendments in the new draft.

Planning, Zoning & Economic Development Committee

Date 10/6/2004

Held in committee.

Staff summarized the purpose of the bill and referral comments that were received. This legislation amends the commercial zone use table in Section 27-461(b) of the Zoning Ordinance to permit multifamily condominium units in the C-S-C Zone in the vicinity of the Branch Avenue Metro Station, if the condominium project meets certain conditions and requirements.

The Principal Counsel provided a memorandum noting that the referral to covenants in the last paragraph might be amended to add standards, or augment those stated. He suggested the following language for paragraph (H) in footnote 48:

“Covenants to the benefit of the Maryland-National Capital Park and Planning Commission shall be approved with the detailed site plan application, to ensure adequate maintenance of required landscaping and aesthetic compatibility of the condominium project with surrounding uses.”

The Planning Board opposed CB-28-2004 indicating that while the bill might allow the appropriate type of development in the vicinity of Branch Avenue Metro Station, a text amendment should not be used for this purpose. The Board also commented that the requirement for covenants running to the benefit of the Maryland National Capital Park and Planning Commission is inappropriate. The General Counsel’s office of the M-NCPPC (M-NCPPC) has opined that the Commission does not derive any benefit from the declaration of such covenants and is without authority to enforce the covenants. Furthermore, the Commission does not have a mechanism established for resources set aside for the inspection and maintenance of landscaping. If the bill moves forward, it is recommended that paragraph (H) of footnote 48 requiring the covenants be eliminated from the bill.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-28-2004.

Chairman Dernoga informed the committee that CB-28-2004 was drafted in April 2004 at the request of the sponsor, Council Member Bland, who elected to hold the bill due to community concerns. Mr. Dernoga explained that it was not Ms. Bland’s request to place the legislation on the committee’s agenda at this time, but that he wanted an opportunity to discuss the issues and determine if they could be addressed. The Chairman indicated that he had informed the property owners’ representative that he should meet with Ms Bland prior to the committee meeting to discuss the issues. Council Member Bland commented that the affected property is in her district and the bill should not move forward until all of her concerns are addressed.

Edward Gibbs, representing 11 property owners who have assembled their properties as well as Wood Partners, the contract purchaser, spoke in support of CB-28-2004. Mr. Gibbs explained that the bill would allow both residential and retail uses as supported by the community. He indicated that he has been proactive in working with the community to address their concerns, and they are in support of the changes to include residential development as well as the process of the text amendment that allows it. Mr. Gibbs noted that he had attempted to meet with Ms. Bland prior to the committee meeting, but was unable to schedule a time due to her busy schedule. He requested the opportunity to have a public hearing on the legislation which would provide additional time to address any outstanding concerns and an explanation of how they have been addressed.

Phillip Eppard, representing Camp Springs Civic Association, and Judith Cato, a homeowner in the community, spoke in support of the bill.

Council Member Bland indicated that she was aware that the residents were in support of the development, including the residential component, but also understood that there were concerns about the process. Ms. Bland suggested that the bill be held so that the issues raised through the referral process could be addressed.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation amends the commercial zones use table in the Zoning Ordinance to permit multifamily condominium dwellings in the C-S-C (Commercial Shopping Center) Zone under certain circumstances. One of the criteria that must be met is the site's proximity to an existing mass transit rail station operated by Washington Metropolitan Area Transit Authority.

The 2002 General Plan designated certain Metro stations as Metropolitan Centers. In addition to land uses and economic activities that attract employers, workers and customers from other areas, high-density residential development is also appropriate in or very near Metropolitan Centers.

This legislation would allow the development of a C-S-C property located near the Branch Avenue Metro Station (Metropolitan Center) and across the street from existing residential development. Due to the proximity of the site to existing dwellings, additional residential development is more appropriate in this location. The development of a commercial shopping center adjacent to existing residential development may result in negative impacts to the neighborhood such as traffic, lighting, and increased activity that are generally associated with a retail center. In addition, there are other opportunities for retail development in the surrounding area based on existing commercial and mixed use zoning around the Metro station.

CODE INDEX TOPICS:

INCLUSION FILES:
