

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

Meeting Date: 11/23/99**Reference No.:** CB-88-1999**Proposer:** Hendershot**Draft No.:** 2**Sponsors:** Hendershot

Item Title: An Ordinance permitting a parking lot used in accordance with Part 11 to serve a use in an adjacent Commercial, Industrial, or M-X-T Zone in the R-55 Zone under certain circumstances and amending the requirements for the location of vehicular entrances to loading spaces

Drafter:**Resource** Carol B. White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:**Date Presented:** __/__/__**Executive Action:** __/__/__ __**Committee Referral:** 10/19/99 PZED**Effective Date:** 1/10/2000**Committee Action:** 11/3/99 FAV**Date Introduced:** 10/19/99**Public Hearing:** 11/23/99 1:30 P.M.**Council Action:** 11/23/99 ENACTED**Council Votes:** JE:A, DB:A, IG:A, TH:A, WM:AB, RVR:A, AS:A, PS:A, MW:A**Pass/Fail:** P**Remarks:** _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT**DATE:** 11/3/99

Committee Vote: Favorable, 4-0-1 (In favor: Council Members Russell, Bailey, Gourdine and Hendershot. Abstain: Council Member Maloney)

Committee staff explained that this legislation bypassed presentation and was introduced on October 19, 1999 with a public hearing date scheduled for November 23, 1999. The legislation amends the Residential Use Tables to allow a parking lot used in accordance with Part 11 to serve a use in an adjacent Commercial, Industrial, or M-X-T Zone in the R-55 Zone without the requirement for a Special Exception under certain circumstances. This bill also allows exterior

loading spaces and vehicular entrances to loading spaces to be located at least 30 feet from the lot line adjoining land in a Residential Zone instead of 50 feet as currently required.

Council Member Hendershot, the bill's sponsor, explained that CB-88-1999 is intended to facilitate the rejuvenation of the Carrollton Mall where construction of a Lowe's store is proposed. Mr. Hendershot also indicated that the improvements proposed at the mall are consistent with the application for an Enterprise Zone designation that includes the MD 450 corridor in this area.

Mayor Hanko of the City of New Carrollton addressed the Committee speaking in support of CB-88-1999. Andre Gingles, representing Lowe's, also spoke in support of the legislation and explained the site configuration and layout of the proposed development including the location of parking and loading areas in relation to the adjoining residential area. Mr. Gingles commented that since the time that the mall was constructed, conformance to the Landscape Manual has become law and with the new development proposed, landscaping and buffering will be provided in accordance with the Manual requirements.

The Planning Board and the County Executive support the legislation. The Planning Board provided the following comments: "This bill is narrowly drafted and will not have broad effect in the County. It permits an opportunity to eliminate a long-standing commercial vacancy, improve a situation of visual blight and provide additional economic base to the County. The effect on residential properties is minimal, and it is our understanding that the City of New Carrollton is working closely with the residents to assure that there are no adverse impacts."

The Office of Audits and Investigations determined that there should be no negative fiscal impact on the County as a result of enacting CB-88-1999. The Office of Law has determined that the bill is in proper legislative form. The Committee discussed a comment provided by the Office of Law in detail. Specifically, the Office of Law indicated that a provision which results in treatment of property within a named municipality differently than property in the same zone outside the municipality may not withstand review under the principle of uniformity. The Committee discussed possible amendments for language to include in lieu of "is located within the municipal limits of the City of New Carrollton." It was agreed that Committee staff and the Office of Law could prepare a non-substantive amendment to resolve the uniformity issue for proposal by the sponsor at the time of the public hearing on this bill.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Parking lots used in accordance with Part 11 (Off-Street Parking and Loading) to serve a use in an adjacent Commercial, Industrial, or M-X-T Zone are permitted by Special Exception in most Residential Zones. This legislation allows this use in the R-55 Zone, without the requirement for a Special Exception, under certain circumstances. In addition, the legislation amends the provisions for loading facilities (loading spaces and vehicular entrances) in certain situations.

CODE INDEX TOPICS: