

PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 4/29/2003

Reference No.: CB-16-2003

Proposer: Peters

Draft No.: 2

Sponsors: Peters, Dernoga, Harrington

Item Title: An Ordinance defining the Planned Environmental Preservation Community use, permitting the use under certain circumstances on property in the E-I-A Zone if a Basic Plan and CDP have been approved as of 1/1/2001, and requiring compliance with certain design and development standards for the use

Drafter: Steven M. Gilbert
Principal Counsel

Resource Ric Santos
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: __/__/__

Committee Referral: 3/18/2003 PZED

Effective Date: __/__/__

Committee Action: 1 3/26/2003 FAV

Committee Action: 2 4/23/2003 FAV(A)

Date Introduced: 4/29/2003

Public Hearing: 6/10/2003 10:00 A.M.

Council Action: 1 4/22/2003 RECOMMIT

Council Votes: PS:A, MB:A, SHD:A, TD:A, CE:A, DCH:A; TH:A, TK:A, DP:A

Pass/Fail: P

Council Action:2 __/__/__

Council Votes: PS:__, MB:__, SHD:__, TD:__, CE:__, DCH:__; TH:__, TK:__, DP:__

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT**DATE: 4/23/03**

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Harrington, Dean, Dernoga and Exum)

Staff explained that Draft-1 of CB-16, which was favorably reported out of committee on March 26 2003, was recommitted to the Planning, Zoning and Economic Development Committee on April 22 for discussion of amendments to the bill. A Draft-2 of CB-16 was presented for the committee's review.

Draft-2 amends the title and purpose of CB-16. The bill defines a new residential use, the Planned Environmental Preservation Community and permits the use on certain E-I-A property, under certain circumstances and subject to certain development standards.

Edward Ost of the Nash Woods Preservation Coalition spoke in support of Draft-2. Grace Swanson and Bruce Pletsch, residents of Sherwood Manor, addressed the Committee regarding their concerns with CB-16 and the residential development that it will allow on the Science and Technology Center site. Joe Meinert, City of Bowie Planning Director, informed the Committee that the City Council had not had an opportunity to review Draft-2; however, at its April 21 meeting, the Council had given its conditional support for the proposal at the Science and Technology Center.

Russell Shipley, representing MIE Properties, spoke in support of Draft-2 and provided a list of suggested amendments to the new draft. After discussion of the various amendments with input from staff, the Committee voted favorably on Draft-2 with additional modifications to the language concerning environmental buffers, development standards and minimum requirements for gross floor area and brick facades and end walls. The language as recommended by the Committee is included on page 9, Section 27-532.04(d) and page 11, Section 27-532.04(e)(4) and (5).

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT**DATE: 3/26/2003**

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

This legislation amends the definition of the Mixed-Use Planned Community use, which was first established in CB-13-2002. CB-13, which took effect July 5, 2002, defined this use and permitted it in the E-I-A and M-X-T zones. The definition of the use requires location at the intersection of State highways and a property size of 250 acres or more, and it also requires a mixing of "residential, employment, commercial retail, commercial office, hotel or lodging, civic buildings, parks, or recreational uses." The purpose of CB-13-2002 was to allow, on large M-X-T properties and E-I-A properties which meet M-X-T locational criteria, a mixing of residential, retail, commercial office, and public uses in a planned community.

The mixed-use planned community definition in CB-13-2002 has an exclusion for E-I-A properties with an approved Basic Plan if on January 1, 2002, any part of the property covered by the approved EIA Basic Plan is partially or fully built on or developed under the Plan's regime. The purpose of the exclusion, in the last sentence of the definition, was to narrow the applicability of the legislation. CB-16-2003 removes the exclusion language from the definition.

Staff informed the Committee of referral comments that were received. The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-16-2003. Staff noted that there was insufficient time between presentation of the bill and the Committee meeting for the Planning Board to take a position, however, Planning staff was present to respond to questions.

The following individuals addressed the Committee: Lawrence Wells, representing Sherwood Manor Homeowners; Joe Meinert, representing the City of Bowie; John Lally of Sherwood Manor; Edward Ost, representing Nash Woods Preservation Coalition; Bill Knight of Knight, Manzi, Nussbaum and LaPlaca; and Deborah Sell.

The bill's sponsor explained the purpose of the bill and that the removal of the exclusion language in the definition would allow the mixed-use planned community use at the Maryland Science and Technology Center site. A handout summarizing the proposal for development on a portion of the Science and Technology Center site and a discussion of that proposal's relationship to the preservation of the Nash tract was also provided. The sponsor requested the Committee's favorable recommendation with the understanding that changes to certain standards for the mixed-use planned community use may be necessary at a later date.

The Committee voted favorably on the bill as drafted.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The bill amends the definition of the Mixed-Use Planned Community use, which was first established in CB-13-2002. That legislation allowed the use in the E-I-A and M-X-T Zones, subject to site plan review and other requirements, but E-I-A properties with approved Basic Plans were excluded. This bill removes the exclusion.

CODE INDEX TOPICS: