

Prince George's County Council

Agenda Item Summary

Meeting Date: 6/1/2010
Reference No.: CB-014-2010
Draft No.: 2
Proposer(s): Dernoga
Sponsor(s): Dernoga
Item Title: An Ordinance concerning Mixed Use and Comprehensive Design Zones for the purpose of authorizing certain density limitations in Mixed Use and Comprehensive Design Zones.

Drafter: Karen T. Zavakos, Legislative Officer
Resource Personnel: Alex Hirtle, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	4/6/2010	Executive Action:	
Committee Referral:	4/6/2010 - PZED	Effective Date:	7/16/2010
Committee Action:	4/21/2010 - FAV(A)		
Date Introduced:	4/27/2010		
Public Hearing:	6/1/2010 - 10:00 AM		
Council Action (1)	6/1/2010 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-486, 27-547.01

COMMITTEE REPORTS:

PZED Committee Report

Date 4/21/2010

Committee Vote: Favorable with amendments, 4-1 (In favor: Council Members Dean, Bland, Dernoga and Olson; Opposed: Council Member Knotts)

Staff gave an overview of the legislation and informed the committee of written referral comments that were received.

Council Chairman Dernoga, the bill's sponsor, discussed his concern with the varying densities allowed in Comprehensive Design and Mixed Use Zones and the difficulty in regulating the allowed densities at later stages of the development process. Mr. Dernoga indicated that this legislation allows for lower density limits to be approved at an early stage in the comprehensive planning process.

The Office of Law reviewed CB-14-2010 and determined that it is in proper legislative form with no legal impediments to its enactment.

The Planning Board opposes CB-14-2010 and provided the following written comments detailing this position. This

legislation will codify the practice of providing developers with a density lower than the zone permits. In addition, the legislation will eliminate the developers need to offer public benefit features in the Comprehensive Design Zones (CDZs) for the purpose of receiving increased density on a project. The CDZ public benefit features are required as the density of the property rises from the base density allowed in the zone. If it is the intent of the County Council to lower the density within different areas, perhaps during the master plan or sector plan process the County Council could rezone the property to the correct zone to achieve the necessary density.

The Planning Board does not believe density requirements can be established as part of the text of an approved master plan, sector plan, or comprehensive planning document because density is a function of zoning. In addition, Planning Department staff cannot account for the impact this legislation will have on other master plans or sector plans.

Andree Green, Planning Board Associate General Counsel, addressed the committee commenting that planning and zoning are two different functions and that the appropriate zoning should be applied for an area as part of the sectional map amendment if the intent is to lower the density. Ms. Green also noted that density can be set within a given range at the time of Comprehensive Design Plan during the CDZ process.

At the committee's request to respond to the Planning Board's comments and concerns, Karen Zavakos, County Council Legislative Officer, affirmed her position that density limitations can be established as part of the text of an approved master plan or sector plan.

Andre Gingles, Gingles LLC, addressed the committee indicating that he believes the current practice of establishing density and intensity limits at the time of Comprehensive Design Plan has been working well and that the Council should continue with what has been done in the past.

The committee voted favorable with the following amendments: page 2, line 30, strike the word "approved" and insert "established" and page 3, line 7, strike the words "Comprehensive Design" and insert "Mixed Use".

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This Ordinance authorizes density limitations lower than those permitted by right in mixed use and comprehensive design zones as part of a master plan or other comprehensive zoning document.

CODE INDEX TOPICS:

INCLUSION FILES:
