

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

Meeting Date: 11/25/2003

Reference No.: CB-75-2003

Proposer: Hendershot

Draft No.: 2

Sponsors: Hendershot

Item Title: An Ordinance permitting multifamily dwellings in the
C-O Zone under certain circumstances

Drafter: Jackie Brown, Director
PZED Committee

Resource Carol B. White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/30/2003

Executive Action: __/__/____

Committee Referral: 9/30/2003 PZED

Effective Date: 1/12/2004

Committee Action: 10/14/2003 FAV(A)

Date Introduced: 10/21/2003

Public Hearing: 11/25/2003 10:00 A.M.

Council Action: 11/25/2003 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

10/14/03

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

This legislation amends the use table for commercial zones, in Section 27-461(b) of the Zoning Ordinance, to allow multifamily residential dwellings on C-O property which meets certain criteria. The criteria, in a new footnote in the bill, require that the multifamily property have certain area and locational characteristics. The footnote also provides that the multifamily development must meet R-18 Zone regulations, as to density and other bulk requirements, and must have a detailed site plan approved, under Part 3, Division 9.

Councilman Hendershot, the bill's sponsor, indicated that this bill allows a change to property located in the Seabrook area of his district that will provide consistency with the General Plan.

Mr. Hendershot requested the committee's favorable report on CB-75 as a step toward implementing the General Plan.

The Principal Counsel determined that the bill does not appear to violate State, County, or District Council law or rules, and is in proper form.

The Planning Board opposes CB-75 based on the following comments provided by the Planning Department staff. It is staff's understanding that CB-75 is intended for one or more lots in the C-O Zone on Seabrook Road north of MD 450, adjacent to the Seabrook Elementary School to the north, offices fronting on MD 450 to the south, and single-family development along Emack Avenue to the east, in the Sherman Park and Seabrook Estates subdivisions. Review of this site and surrounding properties suggests that, depending on orientation and buffering, development of either apartment or office buildings may be appropriate in terms of building massing, orientation and probably compatibility with neighbors. Whether this would be true in all cases where it might apply is unknown. GIS analysis indicates there are 367 polygons in the C-O Zone that are less than eight acres in size scattered throughout the county. It is unknown how many of these might comply now, or in the future, with the additional criteria in the footnote for adjoining properties that are developed with institutional, commercial, office and residential uses. An assessment could not be made at this time since some of these classifications do not appear to be listed as GIS fields of information. Careful consideration should still be given to the long-range land use, transportation and fiscal effects of further reducing the county's supply of land suitable and planned for business and professional offices.

Unless the county feels that apartment development is an acceptable alternative to commercial development in the C-O Zone as a matter of public policy, a regulatory change such as this should generally be accomplished via a rezoning map amendment to an apartment zone. However, there are circumstances when it is advisable to allow a more diverse mix of uses in certain commercial and higher density living areas. Policies of the 2003 General Plan advocate mixed uses higher densities and intensities, along with pedestrian- and transit-oriented design at appropriate locations, i.e., in Centers and Corridors. Revising the zoning ordinance to implement this policy should be done on a comprehensive basis and that is now in progress. The property on Seabrook Road which is subject to CB-75-2003 is along a segment of MD 450 that has been designated as a Corridor by the General Plan. If CB-75-2003 is approved, adding another footnote to the proposed legislation should be considered to limit the scope of possible sites where apartment development in the C-O Zone could occur and to be consistent with and reinforce the policies of the 2003 General Plan. The recommended additional footnote is: The property is located within a Center or a Corridor designated by the General Plan.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-75-2003. It should be noted however, that changes or amendments to the Zoning Ordinance, have an unpredictable future affect on the County that may cause fiscal impact in later years. There are a number of variables which may be affected by Zoning Ordinance changes that cannot be determined at this time.

The committee voted favorably on CB-75 with an amendment to include the additional language in the footnote as recommended by the Planning Board. Staff also noted a technical error in the numbering of the new footnote. The new draft accurately reflects the next consecutive number

for the footnotes in the commercial table.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This legislation permits multifamily dwellings in the C-O (Commercial Office) Zone under certain circumstances.

CODE INDEX TOPICS: