

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

Meeting Date: 5/20/2003

Reference No.: CB-14-2003

Proposer: Hendershot

Draft No.: 2

Sponsors: Hendershot, Dean

Item Title: An Ordinance permitting a Commercial Parking Lot 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: 3/11/2003

Executive Action: ___/___/___

Committee Referral: 3/11/2003 PZED

Effective Date: 7/7/2003

Committee Action: 3/26/2003 FAV(A)

Date Introduced: 4/8/2003

Public Hearing: 5/20/2003 10:00 A.M.

Council Action: 5/20/2003 ENACTED

Council Votes: PS:A, 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

DATE: 3/26/03

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

This legislation proposes to allow a commercial parking lot in the C-O (Commercial Office) Zone within 1000 feet of a Metro station provided that approval of the use be subject to Detailed Site Plan (DSP) review whereby the Planning Board finds that the site plan must meet the requirements of any applicable TDOZ (Transit District Overlay Zone) Development Plan. The bill also requires that the parking lot cease operation by September 1, 2008. This use is currently allowed by special exception in the C-O Zone.

Council Member Hendershot, the bill's sponsor, requested the Committee's favorable recommendation on the legislation to allow utilization of an undeveloped property near the New Carrollton Metro Station. Mr. Hendershot explained that there have been no other requests for

development on this property and the bill would allow the parking lot use for a limited time while also solving a parking problem in this area associated with the Metro station.

Staff presented a Proposed Draft-2 to address the following points raised by the Principal Counsel for the Committee's consideration. The Office of Law found the bill to be in proper legislative form and noted similar comments discussed by the Principal Counsel.

1. The bill appears intended for a certain C-O property within 1000 feet of a Metro station. But it also allows the commercial parking lot use in the C-M Zone, "[a]djacent to Metro," without DSP requirements or a 2008 sunset. And the bill allows the use adjacent to Metro in C-S-C by special exception, again without a sunset.
2. If the committee approves the parking lot use as shown in draft 1 of the bill, permitted in C-O with footnote 44, permitted without restriction in C-M, and permitted by special exception in C-S-C, then perhaps the title could be amended to add the C-S-C and C-M zones.

The Proposed Draft-2 eliminated the new line "(B) Adjacent to Metro" from the table and inserted the footnote 44 next to the "SE" in the C-O Zone column. Footnote 44 was amended to include language which reads: "Permitted use without requirement for a special exception provided:". The remaining criteria in (A) through (D) remained the same in Proposed Draft-2. With these amendments to the bill, no changes to the title or purpose clause are necessary.

The Planning Board supports CB-14 and provided the following staff comments. While CB-14-2003 may be intended for property at the New Carrollton Metro station, there are other properties zoned C-O which meet the proposed criteria at Addison Rd., Capitol Heights, Suitland, Naylor Rd., Southern Ave., and proposed Largo stations.

The Prince George's County General Plan designates the new Carrollton Metro station area as a Metropolitan Center (the highest classification of centers) and recognizes the importance of transit-oriented development (TOD) in achieving the principle growth objectives of the County:

"Metrorail-oriented Centers...are...large public investments in the transit system, yielding significant opportunities...to use transit, thereby reducing reliance on automobile trips. Capitalizing on the combined transportation and development advantages of these stations is a central theme, and a high priority of this General Plan. Future planning to maximize the return on the massive public investment required to build [the] mass transit system is crucial."

The proposed FY04 Budget and Work Program for the Planning Department include resources for the preparation of a New Carrollton Triangle Transit-oriented development (TOD) Planning Study. This study will analyze current land use and development, identify planning and development issues and opportunities, and make recommendations to achieve a more balanced mix of uses that will support TOD. Certainly by the time this use as a commercial parking lot has expired, a plan for transit-oriented development at the New Carrollton Metro Station will be in place and the ultimate use of this property can be appropriate to the TOD.

An unrestricted commercial parking lot is generally not the highest and best use for property in the immediate vicinity of a Metro station, especially one such as New Carrollton, which is designated in the General Plan as a Metropolitan Center. On the other hand, parking for Metro patrons does help to facilitate transit ridership, thus addressing air quality and other transportation related issues.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-14-2003. 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.

Council Member Exum expressed concern regarding the comment made by Planning staff that the bill is not limited in its applicability and the proposed criteria could also apply to other C-O properties at Metro stations in her district. Staff suggested that the following language could be added at the end of line (A) in footnote 44: “and within the boundaries of a TDOZ approved prior to 1990.” This language would limit the applicability to the New Carrollton Metro station.

The Committee voted favorably on the bill including the amendments in Proposed Draft-2 as well as the additional amendment in footnote 44 to limit the bill’s applicability.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This legislation permits a commercial parking lot, by right, in the C-O Zone under certain circumstances. The use is currently permitted by special exception in the C-O Zone.

CODE INDEX TOPICS: