

Regarding Community Open Space, the Committee voted 4-2-1 to amend the requirements according to the Planning Board's recommendation. Specifically, buildings and parking lots may not exceed 15% of the Community Use Area.

The range permitted for Nonresidential Area was amended by a 5-2 vote, from a minimum of 12% to 5%, and a maximum of 30% to 20% of the gross area of the Zone.

A Floor Area Ratio of .40 was approved for the commercial uses in the Zone. This amendment was made by a 6-1 vote.

Regarding the application of the Zone through the SMA process, it was decided by a 6-1 vote to establish a procedure similar to the approval of a CDZ through the SMA. Therefore, a Preliminary Development Plan must be submitted and considered by the Planning Board in order for the M-X-C Zone to be imposed.

The Planning Board's recommendation regarding amendment of a Comprehensive Sketch Plan was rejected by the Committee. By a 6-0 vote, it was decided that all amendments should be appealable to the District Council.

The Committee also rejected two recommendations made by the City of Bowie, regarding limiting the applicability of the M-X-C Zone in the large lot zones and notification of all residents within a 1/2 mile radius.

By a 6-0 vote, the Committee accepted the City of Bowie's proposal to specify that where not defined in a development plan, the design standards of the Zone most compatible are applicable.

PLANNING AND ZONING COMMITTEE REPORT

DATE: 7/20/92

Held in Committee.

Comments were received from the following organizations and individuals: Dale Hutchison, representing the Planning Board; Gary Allen and Julie Molo, representing the City of Bowie; Ed Gibbs and Jerry Brock, representing the Rouse Co.; Diane Banner, representing the Municipal Association; and Perry Cowgill.

The Planning Board transmitted a number of comments, many of which are technical. Mr Hutchison noted the recommendations that are substantive. They include the inclusion of industrial uses in the Zone, the percentage of area allocated to specific uses, floor area ratios for the commercial uses, the phasing of MPDUs, and a procedure for the amendment of the Preliminary Development and Comprehensive Sketch Plans.

The Bowie City Council gave the legislation an unfavorable recommendation, and noted a number of major concerns. They recommended a stronger adequate public facilities test, lower density, the staging and dispersion of MPDUs, a requirement for 25% developable green space, less nonresidential area, a prohibition on industrial uses, regulation of the applicability of the Zone, and stronger neighborhood notification requirements. They also requested that the public hearing be held in the evening.

The Prince George's Municipal Association pointed out similar concerns regarding APF requirements, industrial uses, and green space. The Association also questioned the need for a new mixed-use Zone.

Perry Cowgill also opposed the legislation, and questioned the need for a Zone so similar to the Village Zones. He also opposed the application of this Zone on the Turf Farm, citing previous studies of the Enterprise Road Corridor, the Bowie-Collington Master Plan and SMA.

The Rouse Company supports the legislation, and concurs with the amendments proposed by the Planning Board regarding the noncommercial area, Floor Area Ratio limits, the prohibition of industrial uses, an MPDU phasing requirement, and open space requirements. Mr. Brock also presented a comparison of the amount of open space required in the M-X-C Zone and the amount of land required for park dedication in comparable zones. This analysis shows that under any circumstances, the minimum amount of required open space in the M-X-C Zone equals the maximum park dedication.

The Committee agreed by consensus that although the APF requirements in this Zone are as strict as all other Zones at the time of subdivision, language should be included in the Zoning Ordinance to clarify this. This may be accomplished by imposing the same test at Final Development Plan, which is filed concurrently with the preliminary plat of subdivision. Also, a phasing plan for MPDUs should be included.

PLANNING AND ZONING COMMITTEE REPORT

DATE: 6/15/92

Held in Committee.

Staff explained that at the request of the City of Bowie and the Municipal Association, the worksession would be a staff briefing. Comments will be received at the next meeting.

The Committee briefly discussed a summary of the legislation, and asked a number of questions regarding the details of the bill. There was concern that the minimum percentage requirements for the required land use areas exceeded 100%. It was explained that the minimum requirements total 72% of the Zone, but it is not possible to achieve all the maximum percentages. For example, it would not be possible to achieve the maximum allowable acreages for both the "Other Residential" areas and the "Nonresidential" areas, given the minimum percentage requirements for the other required use areas. There was also a question regarding the number of copies of a Preliminary Development Plan that are required, which is 15. M-NCPPC staff responded that more copies would probably be necessary, but an amendment to the legislation is not required in order to require this of the applicant. An explanation of the term "scenic needs" on page 8 was requested. The term "scenic needs" is not defined in the Zoning Ordinance and is not quantifiable, but is used in the context of this legislation as a guideline for the District Council in determining the adequacy of the open space network. The Committee also questioned whether senior citizens' housing or a Life Care Center would be permitted in this Zone. M-NCPPC staff responded that housing for the elderly would be permitted under the general housing categories, and Adult Day Care

Facility is a permitted use. Nursing or Care Home is not a permitted use.

Staff reviewed a number of issues for discussion, and the Committee agreed not to take any action on these issues until a later time. The first issue is the definition of Community Open Space Area, which may consist of a number of civic and institutional uses which are not consistent with the Zoning Ordinance definition of Open Space. Staff recommended that this use area more accurately be referred to as "Community Use Area". There should also be a distinction between the community uses in this area and those encouraged in the "Nonresidential Areas". The Committee also expressed concern that there is not a minimum amount of this area that must be undisturbed open space, and requested that staff develop suggestions for the preservation of open space in this Zone.

It was noted that the development of MPDUs is exempt from the staging element that applies to many of the other Zones. It was also noted that the Adequate Public Facilities requirement in this Zone, at the time of rezoning, is less restrictive than in the M-X-T and CDZ Zones. Staff recommended discussion of these two issues.

The fourth issue was regarding the new uses created by this legislation. As drafted, these uses are prohibited in the M-X-T Zone. However, they are currently permitted in the M-X-T Zone under other categories, and should continue to be permitted.

Staff noted that industrial uses are permitted in the M-X-C Zone, but there are no guidelines for this type of use. Staff recommended that guidelines be drafted regarding the amount, location and design of these uses. Staff also recommended that more institutional uses be included in the Use Table, since they are encouraged in the Open Space Area and the Nonresidential Area.

There is also an issue regarding rezoning through a Sectional Map Amendment. As with the CDZs, provisions must be made in the Zoning Ordinance for the preparation and submittal of the plan that accompanies a rezoning request. Finally, there should be clarification of several terms, specifically "accessory uses" on page 29, and "neighborhood" on page 30.

The next worksession was scheduled for July 6 at 1:30 p.m.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This legislation establishes a Mixed Use Community (M-X-C) Zone, which is a predominantly residential, mixed use category for large development areas. The legislation provides a four-step public approval process for this Zone. It also includes parameters and guidelines for the various land use categories.

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