

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

Meeting Date: 5/2/2000

Reference No.: CB-11-2000

Proposer: Estep

Draft No.: 2

Sponsors: Estep

Item Title: An Ordinance permitting development in Comprehensive Design Zones in accordance with the provisions of the O-S, R-A and R-E Zones under certain circumstances

Drafter:

Resource Jackie Brown
Personnel: PZ&ED Committee Director

LEGISLATIVE HISTORY:

Date Presented: 2/29/2000

Executive Action: __/__/____

Committee Referral: 2/29/2000 PZED
Committee Action: 3/16/2000 FAV(A)

Effective Date: 6/19/2000

Date Introduced: 3/21/2000

Public Hearing: 5/2/2000 1:30 P.M.

Council Action: 5/2/2000 ENACTED

Council Votes: DB:A, JE:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 3/16/00

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Russell, Estep, Maloney, Scott and Wilson)

Staff explained that this legislation will allow a property that was once zoned O-S, R-A or R-E through the Sectional Map Amendment process and then rezoned to a Comprehensive Design Zone to develop in accordance with the provisions of the original zone that existed prior to the approval of the Comprehensive Design Zone.

Council Member Estep, the bill's sponsor, indicated that the legislation would facilitate the development of a particular property in his district on which the applicant is proposing a density

reduction of over 70 percent. Without CB-11-2000, the applicant would be required to submit an application for rezoning which is an expensive and time consuming process.

The Principal Counsel to the District Council reviewed the legislation and suggested that the new language being added to subsection (b) should be a separate subsection (c) and that the language could be reworded for clarity purposes. The Committee accepted this recommendation to be incorporated in a Draft-2 of the bill.

The County Executive takes no position on the legislation. The Planning Board supports CB-11-2000 and recommended an amendment to include language that this would only apply to properties “rezoned to a Comprehensive Design Zone that contains only residential land use.” The Planning Board’s comments explained that when land was placed in a nonresidential Comprehensive Design Zone (CDZ) through the CDZ process, it was determined that ultimately there is need for nonresidential use. Other zoning decisions may have been made as well based on the presumption that the land was going to develop as an office, employment or retail center. Alan Hirsch, representing the Planning Board, explained that this amendment was suggested in order to ensure that Master Plan recommendations are upheld and that the balance of land uses within the County are maintained.

Thomas Haller, representing Ben Weitz, spoke in support of the legislation. Mr. Haller explained that Mr. Weitz’s property was the subject of an approved plan, Berry Woods, consistent with the R-S zoning category, however, he would now like to propose an R-A Zone plan (two-acre lots) with significantly less density in order to make the development consistent with existing land uses in the area. Carmen Anderson, representing the Prince George’s Civic Federation, and Jean Thompson, Chairman of the Accokeek Development Review District Commission, also spoke in support of the bill.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-11-2000.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Section 27-477(b) of the Zoning Ordinance provides that areas zoned O-S (Open Space), R-A (Residential-Agricultural), or R-E (Residential-Estate), through the Sectional Map Amendment process, should not be considered for Comprehensive Design Zones, where these zones were imposed for staging reasons. For those properties that have been rezoned from O-S, R-A, or R-E to a Comprehensive Design Zone through a Zoning Map Amendment process, this legislation allows these areas to be developed in accordance with the provisions/regulations of the original O-S, R-A, or R-E Zone which was in place prior to the rezoning.

CODE INDEX TOPICS: